

CHAPTER 62:01

PETROLEUM ACT

An Act to consolidate and amend the law relating to petroleum so as to make better provision for the exploration for, and the development and production of, petroleum, and for matters consequential or incidental thereto.

[30th December 1969]

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

Preliminary

2. (1) In this Act:

"company" means any body corporate or unincorporated association, including a partnership;

"licence" means a licence to engage in petroleum operations granted in accordance with this Act and of any Regulations;

"licensed area" means, subject to subsection (2), the area (whether a submarine area or on land) that is described by any Exploration Licence or any Exploration and Production Licence;

"licensee" means any person to whom a licence is granted, and includes his agents, representatives and assignees;

"natural gas" means petroleum in the gaseous state;

"non-resident company", subject to the above definition of "company", has the meaning assigned to that expression in the Corporation Tax Act;

"Order" means an Order made by the Minister under the authority of this Act or the Regulations;

"petrochemical" means such a chemical compound or a mixture of such compounds manufactured from petroleum or petroleum products as is prescribed by Order made by the Minister;

"petroleum" means any mixture of naturally occurring hydrocarbons and hydrocarbon compounds;

"petroleum operations" means the operations related to the various phases of the petroleum industry, and includes natural gas processing, exploring for, producing, refining, transporting and marketing petroleum or petroleum products or both, and manufacturing and marketing of petrochemicals; but does not include mining operations involving the extraction of petroleum from bituminous shales, tar sands, asphalt or other like deposits;

"petroleum product" means any finished or partly finished product derived from petroleum by any refining process;

"private petroleum rights" means rights to petroleum that are not public petroleum rights;

"public petroleum rights" means rights to petroleum in its natural condition in strata existing in:

- (i) State Lands;
- (ii) submarine areas;

"Regulations" mean Regulations made under this Act;

"Rules" mean Rules made by the Minister under this Act or the Regulations;

"sub-licence" means a sub-licence to engage in specified petroleum operations on land issued in accordance with this Act and the Regulations;

"sub-licensee" means a person to whom a sub-licence is issued;

"submarine area" means land underlying the sea waters surrounding the coast of Trinidad and Tobago below the high water mark of the sea at ordinary spring tides, including the seabed and subsoil situated beneath the territorial waters and the continental shelf of Trinidad and Tobago ("continental shelf" here having the same meaning as in the Continental Shelf Act).

(2) A reference to a licensed area shall be read and construed, where such is the case, so as to refer to such part or parts thereof as remain at the disposal of the licensee from time to time in accordance with the terms of such licence.

(3) In this Act a reference to State Lands shall be read and construed as including a reference to the mineral rights in all lands by whomsoever possessed, the subject of a grant by the State after 30th January 1902.

(4) Any coastal marine swamp lands or marshes shall in no case be deemed to form part of the submarine area; except that where there are such swamp lands or marshes, a line fixed by the Director of Surveys shall be the high water mark line.

3. Public petroleum rights are hereby vested in the State and are exercisable by the President.

4. Private petroleum rights are exercisable by the owner thereof, subject to this Act and any Regulations, or Rules and Orders made under this Act or the Regulations, as relate thereto.

5. (1) Subject to this Act, the Minister is charged with the general administration of this Act, and in the exercise of his powers and the performance of his duties he shall conform with any general or special directions given to him by the Cabinet. Any decision made or action taken by the Minister in the exercise of his powers and the performance of his duties in accordance with this Act and the Regulations shall be deemed to be made or taken by the Government and shall be binding thereon.

(2) The Minister may, in relation to any particular matter or class of matters by writing under his hand delegate to any public officer or Agency of the Government any of his powers or functions under this Act, except this power of delegation, so that the delegated powers or functions may be exercised by such officer or Agency with respect to the matters or class of matters specified in the instrument of delegation.

(3) Every delegation under this section shall be revocable at will, but any delegation shall not prevent the exercise of any power or function by the Minister.

(4) Any delegation under this section and any act done in pursuance of a delegation, may be made subject to a power of review and alteration by the Minister, and the decision given upon such review or alteration shall be deemed to be that of the Minister.

PART I

PETROLEUM OPERATIONS

Licences

6. (1) Subject to this Act, no person shall engage in petroleum operations on land or in a submarine area, unless he first obtains a licence as provided for in this Act or the Regulations.

(2) A person who contravenes this section is liable on summary conviction to a fine of thirty thousand dollars and in the case of a continuing offence, to a further fine of one thousand five hundred dollars for every day during which the offence continues.

(3) Notwithstanding anything in this Act or the Regulations or any rule of law to the contrary, instead of granting an Exploration and Production (Public Petroleum Rights) Licence under this Act and the Regulations the Minister may enter into and sign an agreement (in this section referred to as "a production sharing contract") with any person

other than a person referred to in section 13 for the carrying out of petroleum operations relating to the exploration, production and disposition of petroleum in accordance with such agreement, upon such terms and conditions as the Cabinet may approve.

(4) Where a production sharing contract is entered into under subsection (3), so much only of this Act and the Regulations as are not excluded by the contract shall apply to any person carrying on petroleum operations under such contract, and where any provision of this Act or the Regulations is modified by the contract for the purposes of such contract, this Act and the Regulations shall be read and construed accordingly, and where there is any conflict or variance with reference to any matter between the provisions of the contract and this Act or the Regulations, the provisions of the contract shall prevail.

7. (1) Subject to section 10, applications for licences shall be made to the Minister in accordance with the Regulations and notice thereof shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

(2) An application for a licence may be made by two or more persons jointly, if the agreement between the parties thereto as to the proposed joint operation is submitted with such application to the Minister.

8. (1) Any person may object to the issue of a licence on the ground that it is inconsistent with, or would interfere with, rights held by him under this Act.

(2) All objections shall be lodged with the Minister within thirty days of the publication of the notice referred to in section 7(1).

(3) Objections shall be made in the form prescribed by Order made by the Minister and shall be considered and dealt with by the Minister in accordance with the Regulations.

9. (1) Where the Minister, after considering any objections, decides to grant a licence, he shall grant the licence in accordance with this Act and the Regulations and upon such terms and conditions as he considers appropriate.

(2) Upon granting a licence the Minister shall as soon as possible cause notice thereof to be published in the *Gazette*, stating the name of the licensee, the general nature of the licence and the location of the area concerned.

10. The President may determine that the grant of licences respecting any public petroleum rights, or the entry into production sharing contracts within the meaning of section 6, shall be subject to a procedure of competitive bidding in accordance with the Regulations.

11. Without prejudice to any other terms and conditions upon which a licence may be granted by the Minister, the financial obligations to which licensees are to be committed by the terms of licences shall include:

(a) royalties in respect of any petroleum won and saved;

(b) minimum payment in respect of the exclusive right to explore for and produce petroleum from the licensed area;

(c) petroleum impost as a levy intended to cover the expenses of the public administration of the petroleum industry;

(d) the payment of surface rent in respect of the lease of any part of the licensed area which the licensee may require for exclusive occupation;

(e) the payment, in accordance with any law, of:

(i) import duties;

(ii) other payments, including income tax, corporation tax, excise duties, charges and fees for services rendered and fees of general application,

as may be appropriate to the licence.

12. (1) Without prejudice to any other conditions upon which a licence may be granted by the Minister, it shall be a condition inserted in each licence for the licensee to furnish to the Minister, at such times and in such manner as the Minister may require, full information concerning his operations. Provision shall also be made for the inspection of the plant, operations, records and accounts of the licensee by persons authorised in that behalf by the Minister.

(2) In relation to information to be submitted to the Minister under subsection (1), such information as may be agreed shall be treated as confidential for such period as may be specified in the licence.

13. A licence shall not, either directly or indirectly, be granted to a member of Parliament or to a public officer while holding office, or within three years of such person ceasing to be such member of Parliament or to hold such office.

14. The grant of an Exploration Licence confers upon the licensee the non-exclusive right in respect of the licensed area to carry out the operations provided for by the licence.

15. The grant of an Exploration and Production (Public Petroleum Rights) Licence confers upon the licensee the exclusive right in respect of the licensed area to search for, drill and get petroleum therein and to dispose of petroleum so obtained, in accordance

with the terms of the licence, but nothing in this section shall be taken to confer ownership of any petroleum in strata or to confer any other rights in land within the licensed area.

16. Within two months after the expiration or sooner determination of any Exploration and Production (Public Petroleum Rights) Licence, as provided for in the Regulations or the surrender of any part of the licensed area, whichever event first occurs, and without payment of any compensation in respect thereof, the licensee shall:

(a) deliver up to the Minister in good order, repair and condition, and fit for further utilisation (fair wear and tear excepted) all buildings, works, pipelines, other articles used in the licensed area, productive boreholes or wells (unless ordered by the Minister to plug them) together with all casings, engines, tubings and fixtures below surface level;

(b) fill up or fence all holes and excavations made in the licensed area or the surrendered part thereof to such extent, if any, as the Minister may require; and

(c) to the like extent restore, so far as may be possible, to their natural and original condition the surface of the licensed area or the surrendered part thereof and all buildings and structures thereon that the licensee may have damaged in the course of prospecting or producing,

and for such purposes the licensee shall have power during that period to enter on such area subject to the rights of the surface owners or other persons.

Default and Disputes

17. (1) A licence shall contain appropriate sanctions including the revocation of the licence, in case of failure by a licensee to fulfil the obligations undertaken by him.

(2) The cases in which revocation of a licence are to be provided for therein in accordance with subsection (1) may include cases in which:

(a) there is failure on the part of an Exploration and Production Licensee to fulfil the work obligations concerning commencement of exploration operations and drilling as specified in the Regulations or failure to meet expense obligations within two consecutive three-year periods;

(b) there is failure on the part of an Exploration and Production Refining, Pipeline, Marketing or Petrochemical Licensee to execute such work obligations as shall have been undertaken by him, under the terms of his licence, within the time limits prescribed therein;

(c) there is breach of other terms and conditions contained in the licence in a material particular, the Minister being sole judge of such materiality;

(d) there is failure on the part of the licensee to make the payments stipulated as Minimum Payment, Rent, Royalty, Petroleum Impost or Taxes within three calendar months of the date on which such payments fall due;

(e) there is failure on the part of the licensee to pay any sum which may have been awarded against him in arbitration proceedings carried out in accordance with this Act within three months of the date fixed in the award, provided that notice shall have been duly given to him of his obligation to make such payment;

(f) the licensee becomes bankrupt or goes into voluntary or involuntary liquidation; or

(g) there is wilful misrepresentation by a licensee in any material particular in the process of applying for the licence.

(3) In cases falling under subsection (2)(c) the licence may provide that, if in the opinion of the Minister the breach committed is capable of remedy, the Minister shall, in giving notice require the licensee to remedy the breach and pay compensation therefor, within such time as the Minister may specify.

(4) Subject to subsection (5), where a licence is revoked under any provision contained therein, all rights, licences, privileges and powers conferred upon the licensee by that licence, and all grants and leases of State Lands held for the purpose of carrying out petroleum operations under that licence shall determine, if in each case other than that at subsection (2)(f) the Minister has given notice of non-compliance to the licensee reasonably in advance of such revocation specifying the particular ground of the exercise of the right of revocation.

(5) Such determination shall not affect any obligation or liability that may have been incurred by the terms of the licence.

(6) In the case of serious and repeated violations of any of the terms and the conditions of his licence or of any law or directions of the Minister, the President may order such of the operations provided for in the licence as he may think fit to be temporarily discontinued.

(7) For the purposes of this section, the Minister may authorise public officers and other persons to inspect and carry out studies regarding the manner in which operations provided for in any licence are being carried out, and to report to him thereon.

18. (1) Where in the case of revocation under a provision in the licence made in accordance with section 17(2)(c) or (g) but no other, a licensee is aggrieved by the decision of the Minister to revoke the licence, he may have recourse to arbitration in accordance with this Act.

(2) The licence may provide that in any particular case where it may be revoked and recourse to arbitration is had under subsection (1), revocation of the licence shall be of no effect, unless confirmed by the award of such arbitration, except that where it does not so provide the revocation shall take effect and all petroleum operations authorised by the licence shall cease, subject to the award.

19. (1) Where a licensee fails to fulfil an obligation undertaken by him because of *force majeure*, such failure shall not be treated as a failure to comply with the provisions of the licence, if it is proved to be the necessary consequence of such *force majeure*.

(2) In this section *force majeure* means any event beyond the licensee's reasonable control and includes war, insurrection, civil commotion, strike, storm, tidal wave, flood, epidemic, explosion, fire, lightning, or earthquake or any written law.

(3) Subject to subsection (4), where failure to fulfil an obligation under a licence is proved to have been the necessary consequence of *force majeure*, the period during which the fulfilment of such obligation is rendered impossible shall be added to the period fixed by the licence for the fulfilment of such obligation.

(4) Nothing in subsection (3) shall apply if the period during which the fulfilment of the obligation is rendered impossible exceeds the period, if any, stipulated in the licence as the period that is to be agreed as reasonable in all the circumstances.

20. (1) Any difference or dispute between licensees or between a licensee and the Minister that under any provision of this Act or the Regulations is required to be settled by arbitration (not being a difference or dispute concerning any matter the settlement of which is by some other provision of this Act or the Regulations otherwise provided for) shall be determined and assessed by arbitration and in no other way.

(2) Where a licensee proceeds otherwise than is in this Act provided, the Minister or a licensee may, at any time after appearance and before delivering any pleadings or taking any other steps in the proceedings, apply to a Judge of the High Court to stay the proceedings, and such Judge shall thereupon stay such proceedings.

(3) Arbitration shall be conducted by two arbitrators, one to be chosen by the Minister and the other by the licensee, save that in case of disagreement, an umpire shall be appointed by the Chief Justice on application to him by either party. In the case of a dispute or difference between licensees, the provisions of this section shall apply *mutatis mutandis*.

21. Arbitration resorted to as provided for in the preceding section shall be held in Trinidad and Tobago and shall be deemed a submission to arbitration under the provisions of the Arbitration Act.

22. (1) Except with the consent of the President the activities which have given rise to arbitration shall be discontinued, until the issue of any award.

(2) If the award recognises that the complaint was justified, provision shall be made therein for any necessary reparation in favour of the complainant.

(3) In section 12 and sections 17 to 20, "obligation" includes undertakings by a licensee as to terms, periods, years or the manner or circumstances in which the operations provided for in his licence is to be carried out by him.

Non-Resident Companies

23. (1) Where a non-resident company is an applicant for a licence, it shall be a condition precedent to the grant of such licence and thereafter a condition for its continuance that the company establishes and maintains during the existence of such licence an office, place of business, branch or agency in Trinidad and Tobago for the purpose of conducting such petroleum operations as are authorised by the licence.

(2) The business of a non-resident company to which a licence is granted shall be conducted through its office, place of business, branch or agency which shall be in the charge of an individual who is resident and ordinarily resident in Trinidad and Tobago and such individual is hereby authorised to accept on behalf of the licensee service of process and any notices required to be served on the licensee under or in accordance with the laws of Trinidad and Tobago. The name and address of such person, shall be communicated in writing to the Minister.

(3) Where such individual is for any reason unable to act as such representative or is absent from Trinidad and Tobago, the licensee shall forthwith appoint another such person as his representative and notify the Minister of his name and address.

24. Any document may be served on such non-resident company either personally upon such individual or by leaving it at or by sending the same by registered post to the address of the office place of business, branch or agency or of the said individual.

Sub-licences

24A. (1) Subject to subsection (2) a licensee may, with the written approval of the Minister, issue to any person a sub-licence to engage in specified petroleum operations on land within the licensed area of the licensee.

(2) A sub-licence may not be issued to a person who is a licensee or a person referred to in section 13.

24B. Application for the approval of the Minister shall be made in the prescribed form by the licensee to the Minister and shall be accompanied by such fee as may be prescribed.

24C. The issue of a sub-licence in no way relieves the licensee from the obligations and duties imposed on him by this Act or the Regulations or the Petroleum Taxes Act or the Petroleum Production Levy and Subsidy Act save that:

(a) royalty;

(b) petroleum impost;

(c) taxes as imposed under the Petroleum Taxes Act,

are required to be paid by the sub-licensee in respect of crude oil and natural gas produced from the petroleum operations to which the sub-licence relates.

24D. A sub-licensee who fails to meet the requirements of this Act or the Petroleum Taxes Act or who fails to comply with any condition of his sub-licence is liable to the same sanctions and penalties as is a licensee.

PART II

ANCILLARY RIGHTS

25. Where a licence is granted and ancillary rights are required by the licensee, he shall, in accordance with any other written law relating to landholding, negotiate with:

(a) in the case of State Lands [other than State Lands that consist only of mineral rights in lands referred to in section 2(3)], the Minister who is hereby authorised to act on behalf of the President for such purpose;

(b) in any other case, the person entitled to grant the rights for a grant of such rights.

26. (1) Where any facility, right, or privilege is required in order that petroleum operations may be properly and conveniently carried out by a licensee, and the proper and efficient carrying out of petroleum operations is unduly hampered by the inability or failure of the licensee to obtain such right, facility, or privilege (in this Part referred to as an ancillary right), such ancillary right may, in the manner and subject to the provisions hereinafter appearing, be conferred on the licensee who is working or desirous of working them either by himself or through his lessees or assignees.

(2) In particular, but without prejudice to the generality of the foregoing provision, such ancillary rights include:

(a) a right to cut timber, rights of way and other easements including a right to get gravel, sand, limestone and other building materials;

(b) a right to use and occupy the surface for exploration, drilling, erecting, installations and constructing buildings for the purpose of petroleum operations, including dwellings for persons employed in connection with the working of petroleum or with any such works as aforesaid;

(c) a right to obtain a supply of water or other substances in connection with the working of petroleum;

(d) a right to dispose of water or other liquid matter obtained from petroleum operations or any by-product works,

as well as all such ancillary rights in any State Land or land in respect of which there are public petroleum rights by virtue of section 2 (3).

(3) Without prejudice to the generality of subsection (2), the ancillary rights therein mentioned shall include a right to enter upon land and to sink boreholes therein for the purpose of searching for and getting petroleum, and a right to use and occupy land for the erection of such buildings, the laying and maintenance of such pipes, and the construction of such other works as may be required for the purpose of searching and boring for and getting, carrying away and processing petroleum; save that, where a right to lay and maintain pipes under a highway is granted by virtue of this subsection, paragraphs 10 to 16 and paragraph 21 of the Third Schedule, and paragraph 20 of the Fourth Schedule, of the Water and Sewerage Act, shall be deemed to be incorporated in the Order granting the right, subject to any modifications or adaptations specified in the Order.

27. (1) No ancillary right shall be granted or acquired by a compulsory purchase Order under this Act unless it is shown that it is not reasonably practicable to obtain the right in question by private arrangement for any of the following reasons:

(a) that the persons with power to grant the right are numerous or have conflicting interests;

(b) that the persons with power to grant the right, or any of them cannot be ascertained or cannot be found;

(c) that the persons from whom the right must be obtained, or any of them, have not the necessary powers of disposition, whether by reason of defect in title, legal disability or otherwise;

(d) that the person with power to grant the right unreasonably refuses to grant it or demands terms which, having regard to the circumstances, are unreasonable.

(2) For the purposes of this Part, a person whose concurrence is necessary for the exercise of an ancillary right shall be deemed to be a person having power to grant the right or a person from whom the right must be obtained, as the case may be.

28. (1) A licensee who is desirous of carrying out petroleum operations, and who considers that the circumstances are such that an ancillary right can be granted under this Part, may deliver to the Minister an application for the grant of such a right.

(2) A licensee who, for the purpose of or in connection with the better carrying out of petroleum operations already carried on by him, is desirous of obtaining an ancillary right, and who considers that the circumstances are such that such an ancillary right can be granted under this Part, may deliver to the Minister an application for the grant of such a right.

(3) An application under this section shall set forth the circumstances alleged to justify the grant of the right, and shall be in such form, and accompanied by such information verified in such manner, as the Minister may direct.

(4) When the application relates to a right to obtain a supply of water, or a right to dispose of water or other liquid matter, or any other right which appears to the Minister to affect the Water and Sewerage Authority, the Minister shall send a copy thereof to the Water and Sewerage Authority in order to enable them to take such steps as they think fit for placing their views before the Minister.

(5) The Minister shall consider the application and, if satisfied that the requirements of this Part are complied with in the case of the applicant and that it is expedient in the public interest that the right applied for should be granted to him, may, by means of a compulsory purchase Order, grant the right on such terms and subject to such conditions and for such period as the Minister may think fit; and, upon such an Order being made, the right specified in the Order shall, subject to the provisions hereinafter contained, vest in the applicant.

(6) The provisions of the Second Schedule to the Water and Sewerage Act, with such modifications and adaptations as are necessary or expedient, shall have effect with respect to compulsory purchase Orders made under this section.

(7) For the purposes of this Part the acquisition of ancillary rights is hereby declared to be a public purpose.

PART III

MISCELLANEOUS AND GENERAL

29. (1) The President may make any such Regulations as he considers necessary or expedient for carrying out the purposes of this Act, and in particular:

(a) for determining the types of licences and the procedure for issuing those licences;

(b) for fixing the fees chargeable in respect of licences and the amount to be deposited by the licensee as a guarantee of due performance;

(c) for laying down the conditions to be observed by licensees;

(d) for regulating the assignment or transfer of licences;

(e) for licensing the transport, discharging and landing of petroleum and petroleum products by aircraft, vessels, other vehicles and pipelines;

(f) for regulating and licensing the construction and operation of warehouses and tanks for the storage of petroleum and petroleum products;

(g) for prescribing the manner in which tests and measurements may be applied to petroleum and petroleum products for any purposes;

(h) for ordering safety measures to be adopted, including measures for the prevention and extinction of fires, avoidance of accidents, and protection of premises adjacent to the sites of authorised operations;

(i) for fixing petroleum conservation rules;

(j) for the prevention of pollution of land, water or air and for compensation therefor;

(k) for prescribing standards with respect to the erection of installations required for the purpose of carrying out petroleum operations;

(l) for determining the manner in which inspection on behalf of the Government shall be made of petroleum operations;

(m) for ensuring that a Register of all licences issued and any orders, judgments or awards relating thereto, is maintained in the appropriate Department or Departments;

(n) for fixing the royalty, minimum payment, surface rents and petroleum impost;

(na) for regulating the conditions to be observed by contractors and agents of licensees;

(o) for the making of Rules and Orders by the Minister respecting matters not otherwise provided for by this Act or the Regulations; and

(p) for prescribing anything by this Act required to be prescribed (other than things required to be prescribed by the Minister).

(2) Regulations may provide for the grant of licences to persons for engaging in one or more of the petroleum operations either as general contractors or as agents. Such licences shall contain such terms and conditions as the Minister shall consider appropriate in each case, including the licensee's financial, technical, working and general obligations, the manner in which such obligations are to be carried out and the supervision and control thereof by the Minister, the description and the extent of the area of operations, and the period for which the licence is granted.

(3) The rights and duties pertaining to each kind of petroleum operation shall be determined by Regulations and each licence shall specify such particular rights, in conformity with this Act and the Regulations, as relate to that licence.

(4) Regulations may be made so as to determine the procedure whereby the several items mentioned in section 16(a) shall, at the time of the termination or expiry of a licence, revert gratuitously to the State.

(5) Regulations may provide for the safety and health of persons engaged on installations concerned with petroleum operations in submarine areas and in particular may provide for:

(a) the registration and certification of such installations;

(b) the imposition of duties on owners and licensees to ensure *inter alia* that there is in respect of such installations:

(i) a valid certificate of insurance;

(ii) a duly appointed master;

(iii) equipment prescribed by such Regulations.

(6) Regulations made by the President under this section shall be subject to negative resolution of Parliament.

(7) Such Regulations may contain provisions for imposing on any person contravening the Regulations or the Rules made thereunder, a fine recoverable on summary conviction of fifteen thousand dollars in respect of each offence and, in the case of a continuing offence, a further fine of three hundred dollars for each day during which the offence continues after conviction therefor.

30. The Minister may make Orders for the purpose of prescribing anything by this Act required to be prescribed by Order made by the Minister.

31. (1) The Minister, after consultation with the Minister of Finance, is hereby authorised and required by Order to fix the prices or the basis for determining the price at which petroleum products may be disposed of or are to be deemed to have been disposed

of by the refining business of any person to the marketing business of such person or any other person for disposal and use in Trinidad and Tobago.

(2) The disposal shall be deemed to have taken place even though the same person carries on both the refining business and the marketing business.

(3) In addition to the duty imposed on the Minister by subsection (1), the Minister may by Order fix the price or the basis for determining the price at which petroleum products may be sold by a person carrying on marketing business or by a marketing licensee or by any other person carrying on a business of dealing in petroleum products for use in Trinidad and Tobago.

(4) An Order made under this section may be expressed to relate to a particular person or to a particular class or classes of persons, whether by way of the exclusion of any transactions of that person or between any class or classes of persons therefrom, or otherwise.

(5) Where an Order is made relating to the sale of petroleum products to any person for use as bunkers for fishing or shrimping trawlers, every such sale shall, for the purposes of this Act and the Petroleum Production Levy and Subsidy Act, be deemed to have been a disposal for use in Trinidad and Tobago.

(6) In this section:

"marketing business" means the business of dealing in petroleum products by way of the purchase thereof from a refining business for sale and use in Trinidad and Tobago;

"marketing licensee" means a person to whom a marketing licence, within the meaning of regulation 3(1)(h)(iii) of the Petroleum Regulations, is issued under and in accordance with this Act and those Regulations;

"refining business" means the manufacture from petroleum of finished and partly finished petroleum products by a refining process and the disposal of such products from the refinery.

31A. (1) The Minister, after consultation with the Minister of Finance, may by Order, fix the price at which compressed natural gas may be sold by a Compressed Natural Gas Marketing Licensee.

(2) In this section, "Compressed Natural Gas Marketing Licensee" means a person to whom a Compressed Natural Gas Licence is issued under regulation 3(1)(j)(ii) of the Petroleum Regulations.

32. A person who contravenes any of the provisions of this Act, except where the provision by or under which the offence is created provides the penalty to be imposed, is liable on summary conviction to a fine of fifteen thousand dollars and, in the case of a

continuing offence, to a further fine of three hundred dollars for each day during which the offence continues after conviction.

33. (1) Except as may be otherwise provided for by the licence, any permission, consent or authority granted under this Act and the Regulations or any Rules or Orders made thereunder:

(a) may be either general or specific;

(b) may be revoked or varied by the Minister;

(c) may be absolute or conditional;

(d) may be limited so as to expire on a specified date, unless renewed; and

(e) shall, except as otherwise provided in this Act or the Regulations, be published in such a way as in the opinion of the Minister to give any person entitled to the benefit of it an adequate opportunity of getting to know of it, unless in his opinion publication is not necessary for that purpose.

(2) Any specific directions given under any provision of this Act or the Regulations, or any Rules or Orders made thereunder, shall be given to such persons and in such manner as the Minister thinks appropriate, and where so given shall be valid for all purposes, and any directions:

(a) may be either general or specific;

(b) may be revoked or varied by subsequent directions.

(3) Notwithstanding anything contained in subsection (2), a person shall not by virtue of any direction given by the Minister under this Act (not being a direction published by Order or Notice in the *Gazette*) be convicted of an offence against this Act or the Regulations unless the direction was served on him or he knew, or avoided getting to know, of the giving thereof, except that where reasonable steps were taken for the purpose of bringing the purport of the direction to his notice, it shall be for him to show that he neither knew nor avoided getting to know of the giving thereof.

(4) Any document stating that any permission, consent, authority or direction is given under any of the provisions of this Act or the Regulations by the Minister, and purporting to be signed by him or, where section 5(2) applies, by his delegate, shall be evidence of the facts stated in the document.

34. Any expense incurred under or by virtue of this Act by the Minister or any Government department shall be a charge on the Consolidated Fund and any sums received under or by virtue of this Act by the Minister or any Government department

including the petroleum impost levied under the Regulations shall be paid into the Exchequer Account and shall form part of the Consolidated Fund.

35. (1) No person who obtains information by virtue of the provisions of this Act shall disclose that information otherwise than in the discharge of his functions under this Act or for the purposes of any criminal proceedings.

(2) Any person who contravenes this section is liable on summary conviction to a fine of fifteen thousand dollars or to imprisonment for one year.

36. In the event of a war or emergency involving Trinidad and Tobago (of the existence of which the President shall be the sole judge):

(a) the President shall have the right of pre-emption of all petroleum, petroleum products and petrochemicals produced under the licence and shall have the right to require the licensee to manufacture petroleum products and petrochemicals, for the duration of the decreed emergency;

(b) the licensee shall use his utmost endeavour to increase the supply of petroleum, petroleum products and petrochemicals for the Government to the extent required by the President;

(c) the licensee shall with every reasonable expedition convey the petroleum, petroleum products or petrochemicals purchased by the President under this section to such point of shipment or place of storage in Trinidad and Tobago as the President shall determine;

(d) the price to be paid by the President for the petroleum, petroleum products or petrochemicals taken as provided for in this section shall be the fair market price at the time and at the point of delivery;

(e) the President shall be at liberty to take control of the works, plants and premises of the licensee, who shall conform to and obey all directions issued by or on behalf of the President; provided that compensation shall be paid to the licensee for any loss or damage sustained by him by reason of the exercise of the powers conferred by this subsection, the amount of such compensation to be fixed by agreement between the parties, or failing agreement by arbitration as is provided for herein.

37. This Act binds the State.

Transitional Provisions

38. (1) Where at the commencement of this Act a person is carrying on petroleum operations:

(a) under or by virtue of a licence, grant or lease to carry on such petroleum operations; or

(b) in respect of which he was not required by any law to be licensed or to hold a grant or lease to do so, but in respect of which a licence is required under this Act or the Regulations,

such person shall be deemed to be a licensee in respect of such petroleum operations for the purposes of this Act, until he is licensed as such under this Act or the Regulations.

(2) Upon an application made by a person referred to in subsection (1), the Minister shall issue a licence to carry on petroleum operations under this Act, upon terms and conditions appropriate to and as reasonably close as possible to those contained in the licence, grant or lease, if any, under or by virtue of which he previously carried on or was entitled to carry on the petroleum operations, or appropriate to and as reasonably close as possible to those terms and conditions applicable to the circumstances referred to in subsection (1)(b), respectively.

(3) All existing grants or leases held for the purpose of carrying out petroleum operations by a person to whom a licence is issued under subsection (2) shall be deemed to have been granted or made for the purposes of this Act and shall continue to have full force and effect until lawfully determined.

(4) Where ancillary rights are held under licence that by virtue of subsection (1) ceases to have effect by reason of the issue of a licence under subsection (2), but for no other reason, such rights shall be deemed to have been granted by the Minister under section 25(a) or, in the cases referred to in section 25(b), by the person entitled to grant the rights or the Minister in accordance with the other provisions of Part II, as the case may be, without any charge or fee.

***39.** Notwithstanding the repeal by this Act of the Pipelines Ordinance, the Oil and Water Board Ordinance and the Oilfields Fires Control Ordinance, the provisions of these enactments shall continue to operate in relation to petroleum until repealed by Regulations made under section 29.