



MONTSERRAT

CHAPTER 10.12

PETROLEUM ACT and Subsidiary Legislation

Revised Edition
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

PETROLEUM ACT

Act 8 of 1892 .. in force 29 June 1892

Amended by Acts: 10 of 1903

5 of 1923

12 of 1927

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CHAPTER 10.12

PETROLEUM ACT

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CHAPTER 10.12

PETROLEUM ACT

*(Acts 8 of 1892, 5 of 1923, 12 of 1927,
4 of 1937, 23 of 1961 and 7 of 1966)*

Commencement

[29 June 1892]

Short title

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

Interpretation

2. In this Act—

“**analyst**” means any government analyst in Montserrat or any person authorized by the Governor to test petroleum under the provisions of this Act;

“**importer**” includes consignee;

“**petroleum**” includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance and any products of petroleum or any of the above mentioned oils; and the term “**volatile petroleum**” means such petroleum as when tested in manner set forth in Schedule A gives off an inflammable vapour at a temperature of less than 73 degrees of Fahrenheit’s thermometer;

“**petroleum warehouse**” means the place appointed under the provisions of this Act for the storage of petroleum.

No petroleum to be landed save as provided in this Act

3. (1) It shall not be lawful save as is hereinafter provided to land in or import into Montserrat or to attempt to land in or import into Montserrat any petroleum.

(2) Any person offending against the provisions of this section shall be guilty of an offence punishable on summary conviction and liable to pay a penalty not exceeding \$2,400 and one moiety of such penalty shall be payable to such person or persons and in such proportions as the Magistrate determining the case may direct.

(3) Any petroleum so landed or imported or attempted to be so landed or imported shall be forfeited and shall be disposed of by the Comptroller of Customs and Excise either by sale for exportation or by destruction of the same, and the proceeds of any sale for exportation made

by the Comptroller of Customs and Excise shall be paid into the Public Treasury to the credit of the general revenue.

Petroleum warehouse

4. The Governor may from time to time appoint a fit and proper place for the storage of petroleum imported into Montserrat and such place shall be called the petroleum warehouse, and he may also cancel such appointment.

Permit to land petroleum

5. The importer of any petroleum on board any vessel arriving at Montserrat laden or partly laden with petroleum shall, before landing the same, furnish the Comptroller of Customs and Excise with particulars of the marks, brands, or qualities thereof, and the numbers of the packages containing such petroleum, and shall procure from the Comptroller of Customs and Excise a permit in the form set out in Schedule B for the landing of such petroleum:

Provided that where such petroleum is part of the cargo of any steamship which is allowed under the law and regulations for the time being in force to be landed immediately on the arrival of such steamship, such petroleum may be landed without such permit, but the importer of such petroleum shall furnish the particulars required by this section within the time allowed for the entry of goods imported in such steamship.

Storage of petroleum

6. All petroleum imported into Montserrat shall, on the landing of the same, be forthwith conveyed to and stored in the petroleum warehouse.

Samples to be tested

7. Within twenty-four hours after the storage of any petroleum as aforesaid, the Comptroller of Customs and Excise may cause not less than three samples to be taken of each mark, brand, or quality of such petroleum, and may transmit such samples to an analyst in order that the same may be tested.

Analyst to give Certificate

8. Within twenty-four hours after the receipt of such samples the analyst shall test the same in the manner set forth in Schedule A, and shall certify to the Comptroller of Customs and Excise in the form prescribed in Schedule C that the samples so tested by him do or do not (as the case may be) consist of volatile petroleum.

Analyst's certificate to be communicated to owner of petroleum who may remove it if not volatile

9. If the analyst certifies that the samples do not consist of volatile petroleum, the Comptroller of Customs and Excise shall communicate a copy of such certificate to the importer of the petroleum from which the samples were taken, and such petroleum may, subject to the provisions of this Act and any rules made hereunder, be removed from the petroleum warehouse for use in Montserrat.

If petroleum volatile Comptroller of Customs and Excise may on certificate seize and dispose of it as under section 3

10. If the analyst certifies that the samples do consist of volatile petroleum, the Comptroller of Customs and Excise shall communicate a copy of such certificate to the importer of the petroleum from which the samples were taken, and such petroleum shall be considered to all intents and purposes to be volatile petroleum within the meaning of this Act, and shall be liable to be forfeited and seized by the Comptroller of Customs and Excise or any person authorized by him and disposed of as provided by section 3:

Provided, however, that if sufficient evidence be produced to satisfy the Comptroller of Customs and Excise that such petroleum was purchased or received by the importer in ignorance of the fact that it was volatile petroleum, he shall be permitted to export the same, provided he do so within one month from the date when the samples were tested, otherwise this proviso shall be void and of no effect.

Comptroller of Customs and Excise may have samples of petroleum in store tested from time to time

11. It shall be lawful for the Comptroller of Customs and Excise from time to time to cause samples to be taken of any petroleum stored in the petroleum warehouse which he may have reason to believe to be volatile petroleum, whether samples of such petroleum have already been tested or not, and to transmit such samples to an analyst, and such analyst shall thereupon test such samples in the manner set forth in Schedule A and shall certify to the Comptroller of Customs and Excise in the form prescribed in Schedule C that such samples do or do not (as the case may be) consist of volatile petroleum, and if such samples are certified to consist of volatile petroleum the Comptroller of Customs and Excise shall communicate a copy of such certificate to the importer of the petroleum from which such samples were taken, and such petroleum shall be considered to all intents and purposes to be volatile petroleum within the meaning of this Act and shall be dealt with as provided in section 10, but the importer thereof shall be entitled to the benefit of the proviso therein contained.

Appointment and fees of analysts

12. (1) Such persons as may from time to time be authorized by the Governor to test petroleum shall be analysts for the purposes of this Act and the names of such persons shall be published in the *Gazette*.

(2) Every such analyst (other than a government analyst) shall be entitled to receive from the Public Treasury a fee for testing samples of petroleum when called upon to do so at the rate specified in Schedule D.

Not more than 50 gallons of petroleum to be kept elsewhere than in petroleum warehouse

13. (1) It shall not be lawful to keep in any house, shop, store, building, or place in Montserrat other than the petroleum warehouse any greater quantity of petroleum than 50 gallons.

(2) Any person offending against the provisions of this section shall be guilty of an offence punishable on summary conviction, and liable to a penalty not exceeding \$240.

Regulations

14. It shall be lawful for the Governor to make regulations for the landing, storing and sale of petroleum and for the issuing of licences for the storage and sale of petroleum and generally for carrying this Act into effect and also in relation to the sum to be charged to the owners of the petroleum so stored as aforesaid for storage rent. All such regulations shall be published in the *Gazette*, and shall thereupon be deemed to be a part of this Act, and any person who commits a breach of any such regulations shall be liable on summary conviction to pay a penalty not exceeding \$96.

Exceptions from operation of Act

15. Nothing in this Act shall be held to apply to—

- (a) petroleum not used for burning and imported and kept stored in close glass bottles not exceeding eight ounces;
- (b) the importation of gasoline or volatile petroleum for use in scientific or technical work, or for use in a Government laboratory, or for use as fuel in the manufacture of any product of Montserrat, or for use as fuel in internal combustion engines, or for use in oil engines or for the communication of motive power thereto:

Provided that the importer shall have obtained the permission of the Governor for such importation, and that the gasoline or volatile petroleum is packed, landed, stored and otherwise dealt with in conformity with such conditions as the Governor may in each case impose;

- (c) the importation of petroleum for use as fuel in the manufacture of any product of Montserrat:

Provided that the importer shall have obtained the permission of the Governor for such importation, and that the petroleum is packed, landed, stored or otherwise dealt with in conformity with such conditions as the Governor may in each case impose.

SCHEDULE A

(Section 8)

**MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN
THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR**

Specification of the Test Apparatus

The following is a description of the details of the apparatus:

The oil cup consists of a cylindrical vessel two inches diameter, two inches and two-tenths height (internal) with outward projecting rim five-tenths wide, $\frac{3}{8}$ of an inch from the top and $1\frac{7}{8}$ inches from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) trimmed inside. A bracket, consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$ inches. The cup is provided with a close fitting overlapping cover made of brass (22 B.W.G.) which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate, it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be $1\frac{1}{2}$ inches below the centre of the lid.

The cover is provided with three square holes, one in the centre, five-tenths by four-tenths of an inch, and two smaller ones, three-tenths by two-tenths of an inch, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way so as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath of heated vessel consists of two flat bottomed copper cylinders (24 B.W.G.), an inner one of 3 inches diameter and $2\frac{1}{2}$ inches height and an outer one of $5\frac{1}{2}$ inches diameter and $5\frac{3}{4}$ inches height; they are soldered to a circular copper plate

(20 B.W.G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$ of an inch; that is, its diameter is about six-eighths of an inch greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and of the oil lamp is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward turned flange. The diameter of this outer jacket is $6\frac{1}{2}$ inches.

One of the three legs of the stand serves as a support for the spirit lamp attached to it by means of a small swing bracket.

The distance of the wick-holder from the bottom of the bath is one inch.

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90 degrees to 190 degrees Fahrenheit. The scale (in degrees Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar, fitting the socket, and the part of the tube below the scale should have a length of about $3\frac{1}{2}$ inches, measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55 degrees Fahrenheit to 150 degrees Fahrenheit; it measures from end of ivory back to bulb $2\frac{1}{4}$ inches.

Directions for Applying the Flashing Test

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessels or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130 degrees Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130 degrees by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to 130 degrees by placing the lamp underneath, and the result is readily obtained while the petroleum cup is emptied, cooled and refilled with a fresh sample to be tested.

The lamp is then turned on its swivel from under the apparatus and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candlewick and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0.15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cap is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65 degrees the samples to be tested should be cooled down (to about 60 degrees) by immersing the bottles containing them in cold water or by any other convenient method. The lip of the cup, with the slide closed, is then put on, and the cup placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum, which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66 degrees the operation of testing is to be commenced, the test flame being applied once for every rise of one degree, in the following manner:—

The slide is slowly drawn open while the pendulum performs three oscillations and is closed during the fourth oscillation.

Note: If it is desired to employ the test apparatus to determine the flashing points of oils of very low volatility, the mode of proceeding is to be modified as follows:—

The air chamber which surrounds the cup is filled with cold water to a depth of 1½ inches, and the heating vessel or water bath is filled as usual but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120 degrees, instead of with cold water.

SCHEDULE B

(Section 5)

**COMPTROLLER OF CUSTOMS AND EXCISE PERMIT
FOR THE LANDING OF PETROLEUM**

Permission is hereby granted to
to land and store at the Petroleum Warehouse the petroleum in the packages described
in the margin hereof

Given under my hand this day of

A.B.,

Comptroller of Customs and Excise.

SCHEDULE C

(Section 8)

CERTIFICATE OF TEST OF PETROLEUM

I hereby certify that I have tested the sample (or samples) of petroleum
marked No. forwarded to me to be
tested on, 20, and that such sample does not (or does)
consist of volatile petroleum within the meaning of the Petroleum Act.

C.D.

SCHEDULE D

(Section 12(2))

FEES TO PERSONS AUTHORISED TO TEST PETROLEUM

For testing each set of three samples, \$1.20.

PETROLEUM REGULATIONS – SECTION 14

(S.R.O. Vol. 7, P. 1125)

Short title

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

Licence required for sale of petroleum

2. No person shall sell petroleum in quantities of less than six cases or 48 gallons without a licence from the Comptroller of Customs and Excise or otherwise than according to the terms of his licence.

Form of licence

3. Every licence shall be in the form contained in the Schedule and shall terminate on the 31st day of December in the year in which it is granted.

Cost of licence

4. Before the issue of any licence the person applying for the same shall pay into the Treasury the sum of 96 cents.

SCHEDULE

A.B. of is hereby authorized to sell petroleum in or from any part of his premises in (naming the street in which such premises are) in accordance with the provisions of the Petroleum Act.

This Licence shall be in force until the 31st day of December, 20

C.D.

Comptroller of Customs and Excise

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