

CHAPTER 392

THE PETROLEUM (CONSERVATION) ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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CHAPTER 392

THE PETROLEUM (CONSERVATION) ACT

An Act to provide for the regulation of the import, transport, storage, distribution, sale and use of petroleum and petroleum products, and related matters.

[5th October, 1981]

[G.N. No. 118 of 1981]

Act No. 18 of 1981

PART I

PRELIMINARY PROVISIONS (ss 1-3)

[PCh392s1]1. Short title

This Act may be cited as the Petroleum (Conservation) Act.

[PCh392s2]2. Application

The provisions of this Act shall apply to all persons, all departments of the Government, all public corporations and all companies established under the Companies Act * and to the Tanzania People's Defence Forces and all persons employed by or under them, and to all such other entitled or persons who may deal in petroleum or petroleum products:

Provided that any regulations made under this Act may be expressed not to apply.

[PCh392s3]3. Interpretation

In this Act, unless the context otherwise requires—

"contravention" includes in relation to any provisions, a failure to comply with that provision and the expression "contravene" shall be construed accordingly;

"deal in", in relation to petroleum, includes using petroleum or petroleum products, in whatever amount, for any purposes of any kind;

"Minister" means the Minister responsible for petroleum matters;

"motor vehicle" means any self-propelled vehicle intended or adapted for use on the road and includes an engineering plant and a motor cycle;

"petroleum" includes any inflammable liquid or liquid gas made from petroleum, coal, schist, shale, peat, or any other bituminous substance or from any product of petroleum.

PART II

RESTRICTION ON IMPORT, TRANSPORT, STORAGE, SALE AND USE OF PETROLEUM (ss 4-12)

[PCh392s4]4. Restriction on import, transport, etc.

No petroleum shall be imported, unloaded, landed, loaded, transhipped, transported, stored or sold to customers save in accordance with the provisions of this Act.

[PCh392s5]5. Regulations G.N. No. 17 of 1982

(1) The Minister may make regulations generally for the better carrying out of the purposes and provisions of this Act, and may in those Regulations—

(a) define the kind of petroleum to which regulations shall apply, divide petroleum into classes or categories and make different provisions with regard to such classes or categories;

(b) restrict and regulate the importation, landing, loading, shipping, transport and storage of petroleum; and prescribe a system of licensing for the purposes aforesaid, the manner in which application for any such licence shall be made, the authorities which may grant the licence, the fees which may be charged for it and any other connected matters;

(c) provide for notice to be given by the owner or master of vessels entering port with petroleum and for ascertaining the quantity and description of any petroleum on board any such vessel;

(d) determine the places at which, and the conditions subject to which, petroleum may be imported, unloaded, landed, stored, loaded or transhipped;

(e) provide for the delivery, to such officer as may be specified, of samples of petroleum landed or intended to be landed and for the testing of those samples;

(f) provide for the nature and situation of the premises in respect of which licences to possess petroleum may be granted, the inspection of premises so licensed and the taking of samples and the testing of petroleum found on those premises;

(g) regulate the description and construction of vehicles and vessels to be used in the conveyance of petroleum by road, rail, sea or inland water;

(h) prohibit or restrict the carriage of goods and passengers in a vehicle or vessel carrying petroleum;

(i) prescribe the quantity of petroleum which may be conveyed at one time or in one vehicle or vessel;

(j) prescribe the precautions to be observed in the conveyance of petroleum by road, rail, sea or inland water, the manner of packing and the mode and time of transit and in the loading and unloading of vehicles and vessels used in such conveyance;

(k) prescribe the apparatus for testing petroleum, the tests to be applied and the manner in which tests to be applied and the manner in which tests are to be made;

(l) fix fees for the sampling and testing of petroleum;

(m) appoint officers for the testing and examination of petroleum and prescribing their powers and duties; and

(n) regulate and control the distribution and sale of petroleum.

(2) Without prejudice to the generality of the power conferred on the Minister by subsection (1), the Minister may make regulations—

(a) restricting the carrying, keeping or storing and use of petroleum by persons intending to use it for the purpose of any class of motor vehicles, motor cycles, motor boats, aircraft or engines specified in the regulations; and any such regulations may exempt from the operation of any of the preceding provisions of this Act the carrying, keeping or storing and use

of petroleum by persons intending to use it for the purpose of any class of motor vehicles, motor boats, aircraft or engines to which the regulations apply;

(b) limiting the hours during which, and regulating the conditions upon which, any person may drive a motor vehicle the motive power of which is or consists mainly of petroleum; and

(c) setting out any such conditions as to the distribution, sale or dealing in and consumption of petroleum as will, in his opinion, facilitate its more effective economic and equitable use.

[PCh392s6]6. Petroleum not to be kept in contravention of the Act

The occupier of any premises in which petroleum is kept in contravention of this Act shall be liable on conviction to a fine not exceeding five thousand shillings for every day on which the contravention occurs or continues and the court before whom any person is convicted under this section may order that the petroleum in respect of which the contravention occurs and any vessel in which it is contained be forfeited to the Government or otherwise dealt with in such other manner as the court thinks fit.

[PCh392s7]7. Penalty on licence holders contravening the Act

If any person to whom any permit or licence is granted under this Act contravenes any conditions of the permit or licence or any of the provisions of this Act, he commits an offence and on conviction is liable to a fine not exceeding five thousand shillings for every day on which the contravention occurs or continues.

[PCh392s8]8. Penalty for contravening regulations relating to transport

If any person contravenes any provisions of any regulation relating to the transport of petroleum, he commits an offence and conviction is liable to a fine not exceeding four thousand shillings for every day on which the offence occurs or continues, and the court before whom that person is convicted under this section may order that the petroleum in respect of which the offence was committed and any vessel in which it is contained be forfeited to the Government or be dealt with in any other manner which the court thinks fit.

[PCh392s9]9. Penalty for contraventions in respect of petroleum in vessels

Subject to section 10, in the event of contravention of any regulations in force under this Act relating to the precautions to be observed with respect to ships carrying petroleum within a port the owner and master of the ship in or in relation to which the contravention in respect of the mooring of a ship takes place, the owner of any petroleum vessel in respect of which the contravention occurs, commits an offence and on conviction is liable to a fine not exceeding one thousand shillings for every day upon which the offence occurs or continues.

[PCh392s10]10. Defences

In any proceedings for an offence against section 9, it shall be a good defence—

(a) if the proceedings are against the owner or master of a ship for an offence in respect of the unloading, landing or transhipment of petroleum, to prove that all reasonable means were taken by the master to prevent the commission of the offence, and that the offence

was not caused or facilitated by any act or neglect on the part of the owner or of any person engaged or employed by the owner or master; and

(b) if the proceedings are against the owner of petroleum for an offence in respect of the loading, unloading or landing or in respect of any failure to observe precautions required to be observed with respect to ships carrying petroleum whilst in harbour, to prove that the offence was not caused or facilitated by any act or negligence on his part or on the part of any person engaged or employed by him.

[PCh392s11]11. Penalty for failing to give notice to port authorities

The owner or master of every ship carrying a cargo and any part of which consist of petroleum who, upon entering a port fails to give such notice to the port authorities as may be required by regulations made under this Act commits an offence and on conviction is liable to a fine not exceeding twenty thousand shillings.

[PCh392s12]12. General penalty

Where a person contravenes a provision of any of the Regulations made under this Act for which no specific penalty is provided commits an offence and on conviction is liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding three years or to both.

PART III

GENERAL PROVISIONS (ss 13-16)

[PCh392s13]13. Repeal of R.L. Cap. 225

[Repeal of the Petroleum Ordinance].

[PCh392s14]14. Validation

(1) Where any lawful act or thing required or permitted to be done by or under this Act was done before the commencement of this Act, it shall be deemed to have been done under or by virtue of this Act.

(2) For the avoidance of doubt no otherwise lawful act or thing as is referred to in subsection (1) shall be invalid or otherwise unlawful on the grounds only that it was done before the enactment of this Act.

[PCh392s15]15. Savings

Notwithstanding the repeal of the Petroleum Ordinance *—

(a) all subsidiary legislation and all exemptions made or given under that Ordinance which is in force on the appointed day shall be deemed to have been made or given under this Act, and shall remain in force until revoked by subsidiary legislation made under this Act or until it otherwise expires or ceases to have effect;

(b) all officers appointed under the Petroleum Ordinance * to perform functions specified under the rules made under that Ordinance, shall, unless their appointments are revoked or they otherwise cease to hold office or are re-appointed, be deemed to be authorised officers appointed under this Act.

[PCh392s16]16. Transitional provisions

[Transitional provisions.]