

THE PETROLEUM ORDINANCE, 1928.

Western Samoa.

No. 5, 1928.



An Ordinance

made by the Administrator of the Territory of Western Samoa, with the advice and consent of the Legislative Council of that Territory and in pursuance of the Samoa Act, 1921.

Enacted

1. This Ordinance may be cited as "The Petroleum Ordinance, 1928" and shall come into operation on a date to be notified by the Administrator in the Western Samoa Gazette and being not less than six calendar months from the date of this Ordinance.

Interpretation

2. In this Ordinance
- "petroleum" means and includes petroleum, rock oil, Rangoon oil, Burmah oil and any product of them and any oil made from petroleum, coal, schist, shale, peat or other bituminous substance or product of them and which has been imported into the Territory in separate receptacles otherwise than in bulk. Provided that all such products of petroleum as have a true flashing-point of not less than 160 degrees Fahrenheit shall be excluded.
 - "place" means and includes any house, storehouse, warehouse, shop or other building, cellar, yard, or wharf.
 - "person" includes a firm and an incorporated company.
 - "territory" means the Territory of Western Samoa.

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Vessels having petroleum on board.

3. (1) Every vessel carrying a cargo consisting wholly or in part of petroleum and entering the Port of Apia as defined in the Samoa Customs Consolidation Order, 1923, from any port beyond the Territory shall conform to such instructions in respect to the position at which she is to be moored as may from time to time be issued by the Harbourmaster.
- (2) If any vessel is moored in any position in contravention of such instructions the owner or master of such vessel shall be guilty of an offence and liable to a fine not exceeding twenty pounds for each day during which the vessel remains so moored and it shall be lawful for the Harbour Master or any other person acting under his orders to cause such vessel to be removed at the expense of the owner or master thereof to such position as may be ordered by the Harbour Master.

Keeping of petroleum.

4. (1) It shall not be lawful for any person to keep in any place within the limits of the Apia town area as from time to time defined by the Administrator by proclamation in the Western Samoa Gazette or within any other area from time to time proclaimed by the Administrator to be subject to the provisions of this Ordinance petroleum in any quantity exceeding 24 Imperial gallons unless such petroleum shall be stored in a public or private magazine hereinafter provided for, or in an underground receptacle constructed to the satisfaction of the Administrator.
- (2) All petroleum shall be kept in some vessel or vessels made of glass, earthenware or metal and shall be securely stoppered.

Public Magazine.

5. It shall be lawful for the Administrator from time to time by proclamation in the Western Samoa Gazette to proclaim any building to be a public magazine for the storage of petroleum. The Administrator may appoint fit and proper persons to have the charge and custody of any such magazine and may from time to time fix the storage rent payable on goods kept therein.

Delivery from Public Magazine.

6. No petroleum shall be delivered from or received into any public magazine except between the hours of seven in the forenoon and six in the afternoon.

Private Magazines.

7. Licenses for private magazines may be issued by the Collector of Customs and shall prescribe the quantity of petroleum which may be stored in a private magazine. Any person who keeps in a private magazine a greater quantity of petroleum than is allowed by his license shall be guilty of an offence against this Ordinance.

Delivery from private magazine.

8. No petroleum shall be delivered from any private magazine except between the hours of seven in the forenoon and six in the afternoon.

Publication etc of licenses.

9. Particulars of every license issued under this Ordinance shall be published in the Gazette and such license shall expire on the thirtyfirst day of March next after it is granted.

Search Warrant.

10. (1) It shall be lawful for any Judge or Commissioner of the High Court on reasonable cause assigned upon oath to issue a warrant under his hand to some constable or other officer of the Samoan

Public Service for searching in the day time any place in which petroleum is suspected to be kept contrary to the provisions of this Ordinance.

- (2) All petroleum found to be kept contrary to this Ordinance and also the vessels or receptacles in which the same shall be kept shall be immediately seized by the searcher who shall with all convenient speed after the seizure remove such petroleum and the vessels or receptacles containing it to a public magazine or in the event of there being no public magazine to some other place of safety and may detain such petroleum and such vessels or receptacles pending an order of the Court and such searcher or seizer shall not be liable to any action for such detainer or for any loss of or damage to such petroleum or vessels or receptacles other than by his willful act or neglect.
- (3) The owner or occupier of any place on whose premises petroleum shall be found upon search under this clause to be kept contrary to the provisions of this Ordinance shall be deemed guilty of an offence against this Ordinance.

Power of entry and inspection

11. (1) Any European officer of Police may at any time between the hours of seven in the forenoon and six in the afternoon enter any place in which petroleum is kept or suspected to be kept and may in any such place examine any receptacle containing oil or other liquid material and may take a sample not exceeding twelve fluid ounces from each such receptacle.
- (2) Any person whose premises may be so entered shall give to any such officer every assistance and facility.
- (3) If any person as aforesaid shall fail to give to any such officer while acting under this section every assistance and facility, or shall in any manner obstruct any such officer while acting under this clause every such person shall be guilty of an offence against this Ordinance.

Fines for offence.

12. Any person who shall be guilty of any breach of the provisions of this Ordinance for which no penalty is specified or who shall be guilty of an offence against this Ordinance shall be liable on conviction to a fine not exceeding twenty-five pounds or in the case of a continuing breach or continuing offence to a fine not exceeding £25 for every day during which such breach or offence continues.

13. The rules contained in the schedule to this Ordinance shall be in force in the same manner as if they were enacted in the body of the Ordinance and any breach of the provisions of such rules shall be deemed to be a breach of the provisions of this Ordinance and shall be punishable accordingly.

SCHEDULE.

(RULES).

Interpretation.

1. In these rules—
 "the Ordinance" means the Petroleum Ordinance 1928;
 "boat" means any vessel propelled by oars only;

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"ship" includes every description of vessel used in navigation not propelled by oars only;

"wharf" includes any quay, landing place, landing stage, jetty, pier, bulk, or other place at which goods are landed, loaded or unloaded;

"screen wall" means a wall of brick, stone, concrete, or other substance efficient for the purpose of preventing the percolation of oil and the spread of fire from any one place to any other place.

Private Magazines to be Licensed.

2. Private Magazines for the keeping of petroleum must be licensed annually and all such licenses shall expire on the thirty-first day of March in each year and shall be in the form marked "A" annexed hereto.

Application for License and Fees payable.

3. Application for license for a private magazine shall be made to the Collector of Customs and shall be in form "B". The applicant shall, on being granted a license, pay to the Collector the sum of £1 if the license is for a magazine for not more than 200 gallons and £2 if for more than 200 gallons.

Construction and materials to be used in private Magazines.

4. The construction and materials of such magazines shall be in accordance with such specifications approved by the Administrator, as shall from time to time be notified in the Western Samoa Gazette. Pending such notification the construction and materials shall be in accordance with the specifications following and such specifications shall be fulfilled to the satisfaction of the Officer in Charge Public Works Department.

(a) Specifications for private magazine
for not more than 200 gallons.

Magazine may be situated within another building and shall be so constructed and surrounded by walls of such materials that petroleum cannot escape therefrom in the form of liquid under the action of fire or otherwise. It shall have a roof of galvanised iron or other non-inflammable material which may be affixed to wooden rafters. It shall be thoroughly ventilated with one or more ventilating flues of incombustible material such as galvanised iron leading from close above the floor level to the outside air at a point not closer than three feet to any window, door or other opening or exit. Provided that no ventilator may lead into any building but must connect direct to the open air.

(b). Specifications for private magazine
for more than 200 gallons.

Magazine must be used only for storage of petroleum and situated not less than 50 feet from any other building. It shall be constructed of brick, concrete, stone, iron or some other non-inflammable material. If built of iron the first three feet of the walls from the ground upwards must be of concrete without any openings, or else the building must be surrounded by a screen wall of brick, stone, concrete or solid earth the design and construction being in either case such as to prevent out-flow or percolation of liquid either under the action or fire or by pressure or otherwise. Framework, door and window fittings may be of wood and floor of earth cinders or wood. Ventilation at eaves or through the roof must be

sufficient for the size of the magazine and there must be one or more ventilating flues of incombustible material such as galvanised iron leading from close above the floor level to the outside air at a point not closer than 3 feet to any window door or other opening or exit.

Rules to be Observed to Ensure Safety.

5. Every person keeping petroleum in a private magazine and every person in or about such magazine shall comply with the following general rules—
 - (a) no artificial light of any description shall be brought or used within a magazine except a light incapable of igniting any inflammable vapour outside of the lamp itself. If the light is obtained by some means of combustion the lamp must be constructed on the principle of the "Davy Mines Safety Lamp";
 - (b) all petroleum received shall be at once taken to the magazine and all petroleum taken from the magazine for delivery or otherwise shall be at once removed from the premises;
 - (c) no person shall smoke or bring matches into a magazine;
 - (d) there shall be kept a sufficient quantity of sand so distributed about the magazine as to be immediately available for throwing on any petroleum that may be spilled or ignited.

Carriage by Sea of Petroleum.

6. No ship shall carry more than one case of petroleum per ton at the same time as she is carrying passengers except for the purpose of fuelling such ship. "Ton" in this section means tons registered or in the case of unregistered ships the tonnage shown on their sea-going certificates.

Prohibition of Ships lying alongside Wharf.

7. The master of any ship or boat having on board petroleum in quantity exceeding one hundred gallons shall not bring such ship or boat alongside any wharf or jetty within the port of Apia unless such ship or boat is ready to discharge such petroleum forthwith.

Ships to be under Proper Control.

8. Every ship or boat carrying petroleum shall be in charge of some responsible person both day and night.

Smoking etc. Prohibited.

9. No person who is engaged in the loading or unloading of petroleum shall smoke or carry matches or other appliances capable of producing ignition.

Packages containing Petroleum to be marked.

10. Petroleum transported by land or sea shall be contained in packages so marked as clearly to indicate that they contain petroleum.

Transport of Petroleum in leaky Receptacles Prohibited.

11. Petroleum in leaky receptacles shall not be transported or delivered or received for transport by land or sea.

Leaving of Petroleum in Public Places Prohibited.

12. No Petroleum shall be allowed to remain on any wharf, street, road, or public place and any person allowing petroleum to remain on any wharf street road or public place shall be guilty of contravening these rules.

Liability of Master, &c.

13. Where not otherwise provided for the master or person in charge of any ship or boat on which a breach of any of these rules occurs or is committed shall be deemed to have contravened such rules.

FORM A.

No.

No. (Western Samoa)

THE PETROLEUM ORDINANCE 1928.

Granted to
for Petroleum magazine
situated at
for the storage of not
more than gallons of
petroleum.
In force until
Dated
Fee
Reference

Annual License for private Magazine.
Granted to of
for private magazine situated at
for the storage of not more than
gallons of Petroleum subject to the
conditions annexed hereto and provided
the private magazine is maintained in
accordance with the provisions of the
Ordinance and rules respecting the
storage of petroleum. In force
(unless previously cancelled) until

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Dated this day of 19

Collector of Customs.

Collector of Customs

FORM B.

1. Applicant's full name.
2. Applicant's calling or occupation.
3. Applicant's postal address.
4. Date of Application.
5. Situation of magazine to be licensed.
6. Total quantity (in gallons) of petroleum to be stored.
7. Description of magazine.

I declare that the above statements and answers
are true to the best of my knowledge and belief.

Dated this day of 19
(Signed):

To The Collector of Customs.

Assented to this twenty-first day of November, 1928.

S. S. ALLEN,
Administrator.