

Seychelles

Petroleum Act

Act 6 of 1978

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Petroleum Act
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Seychelles

Petroleum Act

Act 6 of 1978

Commenced on 12 November 1950

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 6 of 1978; Act [6 of 1951](#); Act [3 of 1959](#); Act [36 of 1965](#); S.I. 95 of 1975; S.I. 104 of 1975; S.I. 72 of 1976; Act [23 of 1976](#)]

1. Short title

This Act may be cited as the Petroleum Act.

2. Interpretation

In this Act—

"**Government petroleum warehouse**" means any place or places provided by the Minister for the storage of petroleum;

"**licensed petroleum warehouse**" means a warehouse licensed for the storage of petroleum under the provisions of this Act;

"**petroleum**" means any kind of mineral oil, and any oil product or by-product made or obtained from petroleum, asphalt, coal, shale schist, peat or lignite, or made from any petroliferous or bituminous substance:

Provided that the Minister by order published in the *Gazette* may exclude from this definition such products of petroleum as he may deem expedient;

"**prescribed**" means prescribed by regulations made under the provisions of this Act;

"**dangerous petroleum**" means such petroleum as gives off an inflammable vapour at a lower temperature than seventy-three degrees of Fahrenheit thermometer to be tested and ascertained in the manner set forth in the Second Schedule.

3. Provision of stores and warehouses

- (1) The Minister may provide a place or places for the storage of petroleum.
- (2) The owner of any petroleum deposited in any such place shall pay to the Collector of Customs such charges as may from time to time be prescribed.
- (3) Regulations may be prescribed for the use and management of any place or places provided under the provisions of subsection (1).

Petroleum

4. Notice of intention to import petroleum

- (1) The consignee of any petroleum on board any vessel arriving in Seychelles shall before landing such petroleum furnish the Collector of Customs with the following particulars thereof:—
 - (a) whether or not such petroleum be dangerous;
 - (b) the quantity of such petroleum;

- (c) the quality of such petroleum;
 - (d) the brands of such petroleum;
 - (e) the marks of such petroleum.
- (2) Any person importing into Seychelles any petroleum in contravention of this section shall be guilty of an offence.

5. Smoking, etc., prohibited

No person shall smoke or have any naked light within thirty yards of any place where petroleum is being landed.

6. Samples of petroleum

- (1) Within twenty-four hours of the landing of any petroleum the Collector of Customs may cause not less than two samples of each quality, brand or mark respectively to be taken and such samples shall be tested in the prescribed manner:

Provided that this section shall not apply to petroleum which before the landing thereof was declared to be dangerous petroleum under the provisions of [section 4](#).

- (2) If upon the test provided for in subsection (1) any petroleum is certified to be dangerous petroleum, such petroleum shall for all purposes be deemed to be dangerous petroleum.
- (3) The owner of any petroleum to which subsection (1) shall apply who shall refuse to allow any such samples to be taken shall be guilty of an offence.

7. Licence to store petroleum

- (1) The Minister may grant a licence^{*} to any person to store petroleum in a licensed petroleum warehouse licensed in accordance with the prescribed regulations.
- (2) The Minister may at his discretion grant a special licence to any person to store petroleum in a tank.
- (3) Any person to whom a licence to store petroleum shall be granted under the provisions of subsections (1) or (2) who shall store petroleum otherwise than in accordance with the terms of such licence shall be guilty of an offence.

8. Licence to deal in petroleum

- (1) The Minister may grant a licence to any person to deal in or sell petroleum in accordance with the prescribed regulations.
- (2) Any person—
- (a) dealing in or selling petroleum who shall not be the holder of a licence issued under the provisions of subsection (1), or
 - (b) who being the holder of a licence issued under the provision of subsection (1) deals in or sells petroleum otherwise than in accordance with the terms of such licence,
- shall be guilty of an offence.

^{*} See section 16(4) of the Licences Act ([Cap 113](#)) and Licences (Petroleum Storage and Sale) Regulations. ([Cap 113](#) Sub. Leg.)

9. Storage of petroleum

- (1) Save as expressly provided in subsection (2) all petroleum shall be stored in a Government petroleum warehouse or in a licensed petroleum warehouse or in a specially licensed tank.
- (2) The provisions of subsection 1) shall not apply to—
 - (a) petroleum kept and stored —
 - (i) in drums, tanks or pumps to be used for the purpose of being supplied to the public for use as fuel in internal combustion engines, including the engines or motor vehicles, provided such drums, tanks or pumps comply in all respects with the prescribed regulations;
 - (ii) in the fuel tank of any internal combustion engine, including motor vehicles;
 - (iii) in garages, provided such petroleum is kept in accordance with the prescribed regulations;
 - (iv) in sealed tins, for private use where the quantity so kept does not exceed eight imperial gallons of dangerous and non-dangerous petroleum respectively;
 - (v) for sale where the quantity of dangerous petroleum does not exceed 200 imperial gallons, and such petroleum is kept in accordance with the prescribed regulations, but this sub-paragraph shall not apply to petroleum kept and stored in pumps or in garages;
 - (vi) in any place not less than half a mile from any town or village in Seychelles;
 - (b) petroleum imported for use in a Government laboratory, botanical or experimental station, or for scientific experimental or research work.
- (3) The owner of any petroleum or any person storing petroleum, which is stored otherwise than in accordance with the provisions of this section, shall be guilty of an offence.

General

10. Offences

Any person guilty of an offence against the provisions of this Act shall be liable on summary conviction to a fine not exceeding one thousand rupees or to imprisonment for a term not exceeding twelve months.

11. Search warrant for petroleum

If any person shall prove on oath before a Judge or the Registrar of the Supreme Court a reasonable cause to suspect that any person has in his possession or on his premises any petroleum kept in contravention of this Act, the Judge or Registrar of the Supreme Court may grant a similar warrant to any officer of police to search for such petroleum as may be granted in the case of stolen goods, and all such petroleum shall be seized by such officer of police.

12. Liability to forfeiture of petroleum

The whole or any part of any petroleum kept or stored in contravention of the provisions of this Act may be seized by the Collector of Customs, or by any excise officer, or by any officer of police, and upon complaint being made before a Judge may be adjudged by him to be forfeited to the Republic.

13. Forfeiture of licence

If any person to whom a licence has been granted under the provisions of this Act or any regulations made hereunder shall be convicted of any offence against this act such licence shall upon such conviction become void.

14. Power to make regulations

It shall be lawful for the Minister to make, regulations for carrying out the provisions of this Act.

Provided that until such regulations shall be made the regulations respectively contained in the schedules to this Act shall be in force.

15. Saving

Nothing in this Act shall directly or indirectly affect the provisions of the Licences Act, and regulations made thereunder, or any Act or regulations amending or extending the same.

First Schedule (Section 3 and 14)

Regulations for the use and management of Government petroleum warehouses, and to fix charges in respect of petroleum stored therein

1. Government petroleum warehouses shall be under the control and management of the Collector of Customs.
2. All petroleum shall be stored under the supervision of, and in accordance with the instructions of, a customs officer.
3. No leaking containers shall be stored in a Government warehouse. If any containers in a Government warehouse are found to be leaking the owner thereof shall be notified and he shall immediately deal with such containers in accordance with the instructions of the Collector of Customs.
4. All deliveries from a Government warehouse shall be made under the supervision of a customs officer.

Deliveries will be made only at the following times—		
Monday	}	between 10 a.m. and 4 p.m.
Tuesday	}	
Wednesday	}	
Thursday	}	between 10 a.m. and 12 noon.
Friday	}	
Saturday		
Deliveries will not be made on public holidays.		

5. The Collector of Customs may by appropriate notice erected on or near a Government warehouse prohibit any person not having *bona fide* business thereat from approaching such warehouse within the limits set out in such notice. Any person not having *bona fide* business at a Government warehouse and approaching within a limit so prohibited shall be guilty of an offence.

The Collector of Customs may erect such barrier or barriers near thereto or around a Government warehouse as he shall think fit.

6. (1) No person shall smoke or have any naked flame in or within a distance of thirty feet of any Government warehouse.
- (2) No person in a Government warehouse shall have on or about his person any matches or implements for producing flame or fire or any materials for smoking.
- (3) No person shall bring into, or use in any Government warehouse any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.
- (4) Any person contravening paragraph (1), (2) or (3) of this regulation shall be guilty of an offence.
7. The Collector of Customs shall maintain in every Government warehouse an adequate quantity of sand in suitable receptacles to be used in case of fire.
8. Warehouse rent for any petroleum stored in a Government warehouse shall be as follows—
For every eight gallons of petroleum for each calendar month or part of such month the sum of five cents of a rupee, and so in proportion for any greater or lesser quantity: Provided that no rent shall be charged for the first forty-eight hours.
9. A copy of these regulations shall be displayed in a conspicuous place in every Government petroleum warehouse, at the place or places where petroleum is usually landed, and in the customs office.

Second Schedule (Sections 6 and 14)

Regulations for testing petroleum

1. All test of petroleum shall be carried out by the Chief Agricultural Officer or his Assistant or by a Laboratory Assistant of the Government Department of Agriculture or by such other qualified person or persons as the President shall appoint in that behalf.
2. All tests shall be carried out by the method known as the "Abel Close Test".
3. The test provided for by these regulations shall be carried out within twenty-four hours of the receipt of the samples to be tested by the person authorised to make the test.
4. A certificate in the following form shall be given in respect of all petroleum tested under these regulations —

Certificate of test of petroleum

I hereby certify that I have tested in accordance with the prescribed regulations the samples of petroleum marked _____ forwarded to me to be tested on the _____ day of _____ 19 _____ and that such samples consist of _____ within the meaning of the Petroleum Act.

Signed _____

Date _____

Third Schedule (Sections 7 and 14)

Regulations for the construction, use and management of licensed petroleum

[S.I. 23/1962; S.I. 95/1975; S.I. 104/1975]

Warehouses

1. * No warehouse shall be licensed under these regulations unless—
 - (a) the position thereof shall have been approved by the Collector of Customs;
 - (b) the Public Works Manager shall certify that such warehouse in constructed in accordance with the following regulations.
2. A licence to store petroleum in a warehouse shall be in the following form—

Licence is hereby granted to _____ of _____ to store in accordance with the Petroleum Act, and the regulations made thereunder not more than _____ gallons of _____ in the warehouse known as _____ and situated _____.

This licence expires on the _____ day of _____ 19_____.

Minister _____

Date _____
3. The fee for any licence granted under these regulations shall be two hundred and fifty rupees per half-year or any part thereof.

See Licences (Petroleum Storage and Sale) Regulations, ([Cap 113](#) Sub. Leg.)

4. (1) Warehouses shall be constructed of non-inflammable material and shall have the doorways and other openings built up to a height of two feet above the level of the ground, or the floor sunk to a depth of two feet below the level of the ground, or masonry wall or embankment or both not less than two feet high around it:
- Provided that where a warehouse is and remains not less than fifty feet from the nearest building thereto, not being a petroleum warehouse, such warehouse may be built of any non-inflammable material to the satisfaction of the Public Works manager, and may have a floor of concrete or brick or stone or rammed earth:
- Provided further that the provisions of this paragraph shall not apply to the following existing buildings used for the storage of petroleum—
- (a) The Shell Company petroleum warehouse situated on Coal Islet;
- (b) The Eastern Telegraph Company's Petroleum store situated on the Company's premises, Victoria.
- (2) There shall be exhibited on every warehouse so as to be clearly visible from every side thereof, a permanent notice or notices bearing the words "Dangerous Petroleum".
5. No warehouse shall be licensed for the storage of petroleum unless such warehouse is not less than thirty feet of the nearest building not being a petroleum warehouse.
6. The Public Works Manager shall have power to inspect all warehouses licensed under the provisions of these regulations, whether or not the petroleum stored therein is duty paid.
7. All petroleum shall be stored in accordance with the instructions of the Public Works Manager.
8. Any containers in a licensed warehouse found to be in a leaking condition shall be dealt with in accordance with the instructions of the Public Works Manager.
9. (1) No person in a warehouse shall—
- (a) smoke or have any naked light therein; or
- (b) have on or about his person any matches, or implements for producing flame or fire; or
- (c) bring thereinto or use any artificial light of any description except a light incapable of igniting any inflammable vapour outside of the lamp itself.
- (2) Any person contravening this regulation shall be guilty of an offence.
10. There shall be maintained in every warehouse to the satisfaction of the Public Works Manager an adequate quantity of fire extinguishers and sand in suitable receptacles to be used in case of fire.
11. A copy of these regulations shall be displayed in a conspicuous place in every warehouse, and in the customs office.

Fourth Schedule (Sections 8 and 14)

Regulations for granting license to deals in or sell petroleum

[S.I. 23/1962.; S.I. 3/1963.; S.I. 14/1963. 2/34/1976. S.I. 18/1974.; S.I. 95/1975.]

1. A licence to deal in or sell petroleum may be granted by the Minister at his discretion and shall be in the following form—

Licence is hereby granted to _____ of _____ to deal in and sell _____ in accordance with the provisions of the Petroleum Act, and the regulations made thereunder in and from his premises known as _____ and situated _____.

This licence expires on the _____ day of _____ 19_____.

Minister

*

2. No licence shall be required to deal in or sell kerosene by retail.
3. The fee for any licence granted under these regulations shall be Rs.100 per half year or any part thereof.

Fifth Schedule (Sections 9 and 14)

Regulations for the erection and construction of pumps, drums and tanks for the storage of petroleum

1. * No pump shall be used for the storage of petroleum unless such pump is licensed in accordance with these regulations by the Minister.
2. No fixed pump shall be licensed unless—
 - (a) the position of such pump shall be approved by the public Works Manager.
 - (b) the Public Works Manager shall certify that such pump is constructed in accordance with these regulations.
3. (1) Fixed supply pumps and the storage tank to be used in connection therewith shall be constructed of iron, steel or concrete of a design approved by the Public Works Manager and shall be fitted with hoses and couplings in good condition and without leaks. The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.
(2) The storage tanks in connection with any fixed supply pump may be constructed entirely below, partially above, or complete above the surface of the ground as follows—
 - (a) Tanks entirely below the surface of the ground shall be covered to a minimum depth of twelve inches, with the exception of manhole covers. The tank shall be completely surrounded by concrete of a thickness and composition to be approved by the Public Works Manager.
 - (b) Tanks partially above the surface of the ground may be set in the method prescribed in subparagraph (c) for tanks completely above the surface of the ground provided that the same effect is achieved.
 - (c) In the case of tanks constructed completely above the surface of the ground the following conditions shall be observed:-
 - (i) The tanks shall be supported on stone or concrete piers or other methods approved by the Public Works Manager, and shall be surrounded by a stone or concrete wall forming an enclosure capable of holding a volume of petroleum not less than five *per centum* in excess of the capacity of the tank. The floor of the enclosure shall be formed of concrete or other material approved by the Public Works Manager, and the enclosure shall be drained by a pipe fitted with a valve, actuated from the outside of the enclosure which shall always be kept closed except when actually in use.
 - (ii) No water shall be allowed to accumulates in the enclosure.

*

State whether licence is to sell dangerous petroleum, or non-dangerous petroleum only.

*

See Licences (Petroleum Storage and Sale) Regulations made under the Licences Act. ([Cap 113](#). Sub. Leg.)

- (iii) An ullage of not less than two and half *per centum* of their capacity (including the manhole) shall be provided in the tanks to allow for expansion.
- (iv) The Public Works Manager may require the provisions of a fire proof roof over unburied tanks where special conditions exist, such as danger from sparks.
- (vi) Tanks shall be adequately protected from rust.

[Please note: numbering as in original.]

- (d) All pumping mains and pipes shall be furnished with a means of stopping a flow of petroleum from the tanks in the event of any injury of the pipe-lines.
 - (e) All ventilating openings on tanks shall be protected by a diaphragm of strong non-corrodible wire gauze having a mesh of not less than twelve openings to the lineal inch. If not provided with such ventilating openings, each tank shall be fitted with a safety-valve of a type approved by the Public Works Manager.
 - (f) All manholes and other openings, except ventilating openings and safety-valves, shall be air-tight when closed.
 - (g) The roof of all tanks shall be gas-tight except for the ventilating openings.
4. Movable supply pumps the tanks of which shall not exceed a capacity of eighty-five gallons, shall be constructed of iron or steel of a design approved by the Public Works Manager and shall be fitted with hoses and couplings in good condition and without leaks and may have glass measures. The air inlet shall be so arranged that the blast or explosion of any flame which may issue therefrom shall not impinge upon any part of the pump or tank or upon any inflammable substance.
5. Movable pumps when not in use shall be stored in a place approved by the Public Works Manager.
6. Movable supply pumps may be place only in—
- (a) such position on the pavement or side-walk that they may be clearly seen by the public and by the person in charge thereof; and
 - (b) such place or places as shall be approved by the Public Works Manager.

7. (1) A licence to store petroleum in a fixed pump shall be in the following form:—

Licence is hereby granted to _____ of _____ to store petroleum in accordance with the Petroleum Act, and the regulations made thereunder in a pump to be erected and maintained at _____.

This licence expires on the _____ day of _____ 19 _____.

Minister

Date _____

- (2) A licence to store petroleum in a movable pumps other than a fixed pump shall be in the following form—

Licence is hereby granted to _____ of _____ to store petroleum in accordance with the Petroleum Act, and the regulations made thereunder in a movable supply pump to be kept and maintained at _____.

This licence expires on the _____ day of _____ 19 _____.

Minister

Date _____

8. The fees for licences granted under these regulations shall be as follows—
- (a) for every licence to store petroleum (other than kerosene)—
 - (i) in a fixed pump _____ Rs.100 per half year or any part thereof.
 - (ii) in a movable pump _____ Rs.75 per half year or any part thereof.
 - (b) For every licence to store kerosene—
 - (i) in a fixed pump _____ Rs.50 per half year or any part thereof.
 - (ii) in a movable pump _____ Rs25 per half year or any part thereof.

Sixth Schedule (Sections 9 and 14)

Regulations for the storage of petroleum in garages

1. A quantity of dangerous petroleum not exceeding forty gallons, exclusive of petroleum in the fuel tanks of motor vehicles, may be kept in a garage in accordance with these regulations:
Provided that nothing in this regulation shall be deemed to prevent the storage of petroleum in a pump licensed under the regulations contained in the Fifth Schedule or any regulations amending the same.
2. All petroleum in garages, other than petroleum in the fuel tanks of motor vehicles, shall be kept in sound tins or drums, and such tins and drums shall be stored and kept in a non-inflammable chamber, fitted with a non-inflammable door, such chamber and door to be constructed to the satisfaction of the Public Works Manager, in a place approved by him.
3. All tins or drums used for containing petroleum whether containing petroleum or not shall be kept in the chamber provided for in regulation 2.
4. Any tin or drum in any garage containing petroleum found to be in a leaking or damaged condition shall immediately be removed from the garage to a place of safety in the open air.
5. In every garage in which petroleum is stored otherwise than in the fuel tanks of motor vehicles, there shall be maintained to the satisfaction of the Public Works Manager an adequate quantity of sand in suitable receptacles to be used in case of fire.
6. Notwithstanding anything contained in regulations 1, 2 or 3 there may be kept in a private garage in addition to any petroleum in the fuel tank of any motor vehicle therein a quantity of petroleum not exceeding sixteen imperial gallons provided such petroleum is kept in a sealed tin or sealed tins.

Seventh Schedule (Sections 9 and 14)

Regulations for petroleum kept for sale, otherwise than in pumps or in garages

1. A quantity not exceeding two hundred gallons of dangerous petroleum and of non-dangerous petroleum respectively, may be kept for sale in accordance with these regulations.
2. All petroleum kept for sale shall be stored in sound tins or drums or corked bottles and when such tins, drums and corked bottles contain more than sixteen imperial gallons of dangerous petroleum, or more than eighty gallons of non-dangerous petroleum, they shall be kept and stored in a non-inflammable building, fitted with a non-inflammable door; such building to be constructed to the satisfaction of the Public Works Manager in a place approved by him.
3. Any tin or drum found to be in a leaking or damaged condition shall be immediately removed to a place of safety in the open air.
4. There shall be maintained to the satisfaction of the Public Works Manager in the vicinity of any petroleum stored for sale an adequate quantity of sand in suitable receptacles to be used in case of fire.