ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P40

PETROLEUM ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 6/2010, in force 1 November 2010
Act 5/2021, in force 1 February 2021

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER P40

PETROLEUM ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 6/2010, in force 1 November 2010
Act 5/2021, in force 1 February 2021

Published by the
Attorney General's Chambers
Printed under Authority by
The Regional Law Revision Centre Inc.
ANGUILLA

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla

All rights reserved. No part of this publication may be reproduced in any form or by any means (including photocopying) without the written permission of the Government of Anguilla except as permitted by the Copyright Act or under the terms of a licence from the Government of Anguilla.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PETROLEUM ACT

TABLE OF CONTENTS

SECTION

1. Interpretation
2. Importation of volatile petroleum
3. Petroleum to be imported and exported in accordance with Act
4. Mooring of vessels having petroleum on board
5. Provision of warehouse for storage of petroleum
6. Notice of arrival of vessel to be given
7. Landing of petroleum
8. Smoking prohibited
9. Licence to store petroleum
10. Storage of petroleum
11. Licence to deal in or sell petroleum
12. Penalties for failure to pay licence fee
13. Application of Act to substances other than petroleum
14. Power of entry
15. Search
16. Power to make regulations
17. Penalty
18. Forfeiture of petroleum
19. Forfeiture of licence
20. Citation

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

PETROLEUM ACT

Interpretation

1. In this Act—

"bulk importer" means any person importing petroleum products for wholesale and distribution;
(Act 5/2021, s. 2)

"bulk storage operator" means any person storing petroleum products for wholesale and distribution;
(Act 5/2021, s. 2)

"distribution" means sharing of goods in large quantities to be retailed by others;
(Act 5/2021, s. 2)

"Government petroleum warehouse" means any place provided by the Governor for the storage of petroleum;

"licensed petroleum warehouse" means a warehouse in respect of which a licence to store petroleum therein has been granted under the provisions of this Act;

"LPG" means liquid petroleum gas;
(Act 5/2021, s. 2)

"LPG Butane or LPG propane" means flammable mixtures of hydrocarbon gases used as fuel in heating appliances, cooking equipment, and vehicles;
(Act 5/2021, s. 2)

"LPG distributor" means any person engaged in the import or retail of liquid petroleum gas;
(Act 5/2021, s. 2)

"Permanent Secretary" means the permanent secretary with responsibility for finance;
(Act 5/2021, s. 2)

"petroleum" means any volatile petroleum, kerosene, diesel oil, gas or oil;

"prescribed" means prescribed by the Governor in Council by regulation made under the provisions of this Act;

"retail" means the sale of petroleum products goods in relatively small quantities for final consumption rather than resale;
(Act 5/2021, s. 2)

"retailer of petroleum products" means a person engaged in the retail of petroleum products;
(Act 5/2021, s. 2)

"vessel" includes every kind of steam or sailing vessel, hulk, lighter, flat, boat or any kind of craft used for the conveyance of persons or things by water;

"volatile petroleum" means petroleum which, when tested in the manner set forth in the Petroleum Testing Regulations, gives off an inflammable vapour at a lower temperature than 73° F;

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

"wholesale" means the selling of petroleum products in large quantities to be retailed by others.
(Act 5/2021, s. 2)

Importation of volatile petroleum

2. It shall be lawful for the Governor, by regulation, to prohibit the importation of volatile petroleum or any particular variety thereof from and after a date to be specified by regulation.

Petroleum to be imported and exported in accordance with Act

3. No person shall import or export petroleum except under and in accordance with the provisions of this Act and of any regulations made thereunder, but petroleum contained on board any vessel or aircraft in properly constructed bunkers and receptacles and used solely as the propelling power of such vessel or aircraft shall not be deemed to have been imported or exported contrary to the provisions of this Act.

Mooring of vessels having petroleum on board

4. (1) Every vessel carrying a cargo consisting wholly or in part of petroleum and entering or being in any port in Anguilla shall conform to all regulations made under this Act in relation to the mooring of such vessels.

(2) It shall be lawful for the Comptroller of Customs or any other person acting under his orders to cause any vessel acting in contravention of any such regulations to be removed at the expense of the owner or master thereof to such place as may be prescribed, and all expenses incurred in such removal may be recovered by the Comptroller of Customs as a civil debt in a court of competent jurisdiction.

Provision of warehouse for storage of petroleum

5. (1) The Governor shall provide a place or places for the storage of petroleum imported into Anguilla.

(2) The owner of petroleum stored in a Government petroleum warehouse shall pay to the Comptroller of Inland Revenue such charges as may from time to time be prescribed.
(Act 6/2010, s. 41)

Notice of arrival of vessel to be given

6. (1) The master, owner or agent of any vessel carrying petroleum as cargo shall, on the arrival of such vessel in any port in Anguilla and before landing any such cargo, notify the Comptroller of Customs of the name of the vessel and furnish the following particulars—

(a) the quantity of such petroleum;

(b) what quantity (if any) of such petroleum is volatile petroleum;

(c) the brands and marks of such petroleum.

(2) If any petroleum is landed in contravention of this section, the master, owner and agent of such vessel shall each be guilty of an offence against this Act.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Landing of petroleum

7. (1) All petroleum imported into Anguilla shall be landed under the supervision of a Customs officer and shall be immediately stored in a Government petroleum warehouse or in a licensed petroleum warehouse or in a bulk storage installation approved by the Governor in Council or in a tank specially licensed in that behalf.

(Act 6/2010, s. 41)

(2) Any person contravening the provisions of this section is guilty of an offence against this Act.

Smoking prohibited

8. Any person who smokes or has any naked light in any place where petroleum is stored or within 50 feet of any place where petroleum is being landed is guilty of an offence against this Act.

Licence to store petroleum

9. (1) The Comptroller of Inland Revenue may in accordance with the prescribed regulations issue a licence for any warehouse to be used for the storage of petroleum.

(Act 6/2010, s. 41)

(2) The Comptroller of Inland Revenue may at his discretion issue a special licence for any tank to be used for the storage of petroleum.

(Act 6/2010, s. 41)

(3) Any person to whom a licence to store petroleum shall be granted under the provisions of subsection (1) or (2) who shall store petroleum otherwise than in accordance with the terms of such licence is guilty of an offence against this Act.

Storage of petroleum

10. (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 petroleum kept and stored—

(a) in supply pumps constructed in accordance with the prescribed regulations;

(b) in the fuel tank of any internal combustion engine, including motor vehicles;

(c) in garages and service stations in accordance with the regulations;

(d) in sealed tins or in stoppered bottles or in lamps for private use where the quantity so kept does not exceed 8 imperial gallons;

(e) for sale or private use where the quantity of petroleum kept and stored does not exceed 50 imperial gallons and such petroleum is kept and stored in accordance with the Petroleum Sale other than at Pumps or Service Stations Regulations;

(f) in any place approved by the Comptroller of Inland Revenue, which is not less than half a mile from any town, village or settlement in Anguilla;

(Act 6/2010, s. 41)

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

(g) in any bulk storage installation approved by the Governor in Council and in accordance with the Petroleum Bulk Storage Regulations;

(h) in receptacles for transport in accordance with the regulations; or

(i) in any other place specially approved by the Comptroller of Inland Revenue.

(Act 6/2010, s. 41)

(3) If any petroleum is kept or stored in contravention of the provisions of this section, the owner of such petroleum is guilty of an offence against this Act.

Licence to deal in or sell petroleum

11. (1) The Comptroller of Inland Revenue may grant a licence to any person to deal in or sell petroleum in accordance with the regulations.

(2) Any person who holds a licence granted under subsection (1) shall pay the prescribed annual fee.

(3) Any person—

(a) dealing in or selling petroleum who is not a holder of a licence issued under subsection (1); or

(b) who, being a holder of a licence issued under subsection (1), deals in or sells petroleum otherwise than in accordance with the terms of the licence;

commits an offence and is liable to a fine of $10,000 and 6 months imprisonment.

(Act 5/2021, s. 3)

Penalties for failure to pay licence fee

12. (1) Where the licence fee is not paid, the Permanent Secretary may do either or both of the following—

(a) grant a grace period of up to 30 days after the fee becomes due and payable;

(b) impose a 2% interest charge on the amount due.

(2) Where the licence fee and any penalty imposed is not paid in full or an agreement to pay is not settled to the satisfaction of the Permanent Secretary for up to 6 months after it is due—

(a) the Permanent Secretary shall take legal action to recover the debt due; and

(b) the licensee shall be liable for the debt due, the monthly penalty imposed, accrued interest, collection costs and legal costs.

(Act 5/2021, s. 4)

Application of Act to substances other than petroleum

13. The Governor in Council may by regulation direct that this Act or any part thereof shall apply to any substance or mixture, and the Act or the part thereof specified in the regulation shall during the

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

time mentioned therein apply to such substance or mixture and shall be construed and have effect as if such substance or mixture had been included in the definition of petroleum as given in section 1.

Power of entry

14. It shall be lawful for the Comptroller of Inland Revenue or any police officer at all reasonable times and without notice to enter any place in which petroleum is kept or stored for the purpose of ascertaining whether the provisions of this Act and the regulations made thereunder are being complied with.

(Act 6/2010, s. 41)

Search

15. (1) It shall be lawful for the Comptroller of Inland Revenue or the Magistrate on reasonable cause assigned upon oath to issue a warrant under his hand for searching any place in which petroleum is suspected to be kept contrary to the provisions of this Act or of any regulations made thereunder.

(Act 6/2010, s. 41)

(2) A sample not exceeding 26 fluid ounces of any petroleum or other liquid found in such place may be taken by the person executing the search.

Power to make regulations

16. (1) The Governor in Council may make regulations for the better carrying out of this Act, including, without limitation, regulations—

(a) for the imposition of licence fees;

(b) for the management, safety and control of any Government or licensed petroleum warehouse or bulk storage installation; and

(c) prescribing anything that may be prescribed under this Act.

(2) Any person who fails to comply with a regulation made under this section commits an offence and is liable to a fine of $5,000 and 3 months imprisonment.

(Act 5/2021, s. 5)

Penalty

17. Any person found guilty of an offence against this Act is liable on summary conviction to a fine of $5,000, with or without a term of imprisonment of 6 months.

Forfeiture of petroleum

18. All petroleum kept or stored in contravention of the provisions of this Act or of any regulations made thereunder shall be forfeited to the Crown.

Forfeiture of licence

19. If any person to whom a licence may be granted under the provisions of this Act or any regulations made thereunder is convicted of any offence against this Act, such licence shall upon such conviction become void.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai

Citation

20. This Act may be cited as the Petroleum Act, Revised Statutes of Anguilla, Chapter P40.

© Government of Anguilla
Copying/unauthorised distribution strictly prohibited
Printed by Authority by
The Regional Law Revision Centre Inc
www.lawrevision.ai