CHAPTER 435
THE PETROLEUM ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Regulations
4. Extension of regulations
5. Penalty
An Act to make provision for regulating the importation, conveyance and storage of petroleum and other inflammable oils and liquids; and to provide for incidental matters.

[12th December, 1930]

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

2. In this Act, unless the context otherwise requires

   "dangerous petroleum" means any petroleum declared, by statutory notice, to be dangerous petroleum under this Act or under any Act or regulations for the time being in force relating to petroleum;

   "non-dangerous petroleum" means any petroleum not declared as aforesaid to be dangerous petroleum;

   "petroleum" includes the liquids commonly known as rock oil, Rangoon oil, Burma oil, kerosene, paraffin oil, petrol, gasoline, benzoline, benzine, naphtha or any like inflammable liquid whether a natural product or one that is made from petroleum, coal, schist, shale, or any other bituminous substance, or from any products thereof.

3. The Minister may, by statutory instrument, make regulations for all or any of the purposes following:

   (a) prohibiting the importation or exportation of petroleum except at such ports or places and in such quantities and subject to such conditions as may be prescribed;

   (b) regulating the transport of petroleum whether by railway, road or inland navigation;

   (c) regulating the quantity of, mode of storage of, and the receptacles in which petroleum may be carried in any vessel, cart, truck, or other vehicle, and the quantities to be contained in such receptacles;

   (d) regulating the storage of petroleum and providing for the licensing of places in which petroleum is stored;

   (e) prescribing the powers and duties of officers appointed for the purposes of this Act;

   (f) providing for the search and inspection of any ship, vessel, vehicle, building or place in which petroleum is stored or carried or in which there may be reason to believe that petroleum is stored or carried;

   (g) prescribing the fees to be paid for any licence or permit issued or examination or other thing done under this Act;

   (h) generally for carrying out the purposes of this Act.

(As amended by G.N. No. 202 of 1964)
4. The Minister may, by statutory notice

(a) declare that all or any of the regulations under this Act, with or without such modification as may be determined, shall apply to any inflammable oil or liquid;

(b) declare that any ship or place shall be exempted, either conditionally or absolutely, from all or any of the regulations under this Act.

(As amended by G.N. No. 202 of 1964)

5. Every omission or neglect to comply with and every act done or attempted to be done contrary to the provisions of this Act or of any regulations made thereunder, or in breach of the conditions and restrictions subject to or upon which any licence or permit has been issued, shall be deemed to be an offence against this Act and for every such offence not otherwise specially provided for, the offender shall be liable to a fine not exceeding one thousand five hundred penalty units or to imprisonment with or without hard labour for a period not exceeding six months, or to both, and any article in respect to which an offence shall have been committed shall be liable to be forfeited and any subsisting licence or permit shall be liable to be cancelled.

(As amended by Act No. 13 of 1994)
SUBSIDIARY LEGISLATION
PETROLEUM

THE PETROLEUM (GENERAL) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Title and application
2. Interpretation
3. Issue of licences
4. Storage sheds
5. Soldering of filled tins
6. Inspection of premises
7. Application for licences to possess dangerous petroleum
8. Expiration of licence
9. Possession of valid licence required
10. Liability for expenses incurred through breach of Regulations 11.
11. Renewal of licences
12. Prescribed fees
13. Prescribed forms
14. Revocation of licences
15. Transport of dangerous petroleum
16. Transport of dangerous petroleum in bulk
17. Powers of police and road traffic inspectors
18. No relief from liability for damage

SCHEDULE-Prescribed forms
1. These Regulations may be cited as the Petroleum (General) Regulations, and shall apply to all areas other than those to which the Townships (Petroleum) Regulations, the Livingstone Municipal By-laws or the Ndola Municipal By-laws have been applied. 

(As amended by No. 63 of 1939)

2. In these Regulations, unless the context otherwise requires

"council" means a township council or a rural council;

"dangerous petroleum" means the following brands of petroleum:

Atlantic, Atlas, Benzo1, B.P., Natalite, Pegasus, Pratts, R.O.P., Shell, Texaco;

and any other brand of petroleum which may be declared by the Minister, by statutory notice, to be dangerous petroleum;

"licensing officer" means any person authorised in that behalf by resolution of a council to issue licences under these Regulations;

"petroleum in bulk" means petroleum in quantities exceeding two thousand five hundred litres contained in anyone receptacle;

"premises" means any land or any building together with the land on which the same is situated and any adjoining land used in connection therewith for the storage of dangerous petroleum in excess of two hundred litres otherwise than in bulk;

"protected works" include buildings in which persons dwell or assemble, docks, wharves, timber yards, public roads and any other place not forming part of an installation which the Minister may by notification declare as protected works, it being understood that the timekeeper's or administrative office of an installation does not come under the classification of "protected works";
"storage shed" means a building used for the storage of dangerous petroleum in excess of two hundred litres otherwise than in bulk.


3. Licences for keeping dangerous petroleum exceeding two hundred litres may be issued by a council, and shall ordinarily be granted only when the premises intended to be used for the storage of such petroleum fulfil the conditions of regulation 4:

Provided that a council, with the approval of the Minister, may, for special reasons to be recorded in writing before granting such licence, dispense with any or all of the said conditions, and such licence shall be endorsed accordingly.

(As amended by No. 88 of 1948, Nos. 202 and 481 of 1964 and No. 446 of 1969)

4. (1) The following conditions shall apply to the construction, maintenance and operation of storage sheds:

(a) licences may be granted for any quantity of dangerous petroleum to be stored in any one building, if the plot on which the storage shed is erected is so situated or is large enough to ensure a clear space of one thousand five hundred and twenty four metres in width around the shed or sheds. A clear space of at least ninety-one metres in width must be left between storage sheds on the same plot;

(b) the storage shed shall be constructed either

(i) entirely of non-inflammable material; or

(ii) of inflammable material specially approved by a council;

(c) adequate ventilation shall be provided;

(d) every person managing or employed on or in connection with a storage shed shall abstain from any act whatsoever which tends to cause fire and which is not reasonably necessary, and shall prevent any other person from doing such act;

(e) no smoking shall be permitted in a storage shed or adjacent thereto, and suitable notices to this effect shall be conspicuously posted on the plot;

(f) no fire or naked lights shall be permitted in or adjacent to a storage shed;

(g) supplies of sand or dry earth (not less than three thousand nine hundred and two kilogrammes) shall be kept available for use in case of fire, and, in addition, at least one extinguisher of a type approved by the authorised officer in the Ministry of Energy;
(h) no vessel containing dangerous petroleum shall be opened and no petroleum shall be drawn from any vessel within the building in which the dangerous petroleum is stored;

(i) if a council requires the holder of the licence, by notice in writing, to execute any repairs to any part of the installation which may be necessary for the safety of the premises in respect of which the licence is granted and of adjacent premises, the holder of the licence shall execute the same within such period as may be fixed by the notice;

(j) no artificial light other than a filament electric lamp may be used on the plot on which a storage shed is erected;

(k) no aircraft engine shall be run on the plot;

(l) all grass, bushes and scrub must be cut short to the satisfaction of a council, and no cultivation shall be allowed on the plot;

(m) such other conditions as may be prescribed by a council.

(2) The following conditions shall apply to dangerous petroleum stored upon premises other than in a storage shed:

(a) the area within which dangerous petroleum is or is intended to be stored shall be fenced to the satisfaction of a council, and the plot on which the fenced area lies shall be so situated or large enough to ensure a clear space of fifty feet in width around the fenced area;

(b) paragraphs (d), (e), (j), (i), (k), (l) and (m) of sub-regulation (I) shall apply, mutatis mutandis, to such fenced area.


5. The soldering of any tin shall not be carried out on the premises.

6. A licensing officer or any officer deputed by him for the purpose or any police officer of or above the rank of Assistant Inspector may, at any reasonable hour, enter any premises in respect of which a licence for the possession of dangerous petroleum has been granted, for the purpose of inspecting the same.

(As amended by No. 69 of 1963, No. 481 of 1964 and No. 446 of 1969)

7. (I) Every application for a licence to possess dangerous petroleum shall be in writing and shall be accompanied by a plan drawn to scale, showing the site of the installation and the design of the storage shed (if any), in all respects in sufficient detail to enable the project to be fully understood. The application shall be submitted to a licensing officer.
(2) Applications for licences for the possession of dangerous petroleum shall specify
(a) the description and quantity of dangerous petroleum which
the applicant desires to keep, and the manner in which it is
proposed to store it;
(b) the name and position of the premises in which it is
proposed to keep the dangerous petroleum, and whether
the said premises fulfil the conditions required by
regulation 4 in so far as they are applicable to such storage.

(As amended by No. 481 of 1964 and No. 446 of 1969)

8. Every licence for the possession of petroleum shall expire on the
31st December of the year in which it is issued.

9. No person, unless he is in possession of a valid licence issued under
these Regulations, shall on any premises store dangerous petroleum
exceeding two hundred litres; and no person shall store dangerous
petroleum for which a licence is required under these Regulations except
in the manner prescribed in these Regulations and endorsed on the
licence.

(As amended by No. 88 of 1948)

10. In addition to any penalty prescribed by the Act, a person
convicted under these Regulations may be required to pay any expenses
incurred by a council in consequence of any breach of these Regulations
or of the conditions of any licence issued under these Regulations
committed by such person, or in consequence of the failure by him to
execute any work directed in accordance with these Regulations to be
executed by him.

(As amended by No. 481 of 1964 and No. 446 of 1969)

11. Every application for the renewal of a licence for the possession
of dangerous petroleum shall be made in the same manner as an
application for an original licence, except that a plan need not be sub-
mitted if it is certified that no alteration has been made to the premises
described on the original plan submitted.

12. The following fee units shall be charged per annum or for any
lesser period for licences- for the possession of dangerous petroleum,
namely:

(a) when the quantity to be stored exceeds two hundred litres, but
does not exceed twenty two thousand seven hundred and thirty
litres, thirty fee units;
(b) when the quantity to be stored exceeds twenty two thousand
seven hundred and thirty litres, thirty fee units for each twenty
two thousand seven hundred and thirty litres to a maximum of
seventy five fee units.

(As amended by No. 88 of 1948 and Act No. 13 of 1994)
13. Licences granted under these Regulations shall be in the forms prescribed in the Schedule.

14. Every licence granted under these Regulations may be revoked at any time by the Minister or by the officer who granted it, on its being established to the satisfaction of the Minister or of such officer that the licensee or any person in his employ has infringed any of the conditions of the licence or any provision of these Regulations.

(As amended by No. 202 of 1964)

15. Dangerous petroleum shall be transported only if it is packed in airtight tins or other vessels not easily broken, or is contained in bottles securely corked and carefully packed so as to avoid risk of breakage.

16. (1) No dangerous petroleum in bulk shall be conveyed by road vehicle to or from any store except in substantial and securely closed vessels of a suitable type, and no goods of an explosive or inflammable character shall be carried in the vehicle at the same time that dangerous petroleum is being so conveyed; such vehicle must be certified by a vehicle examiner as being fit for such transport.

(2) No dangerous petroleum in bulk shall be transported by road except in accordance with a licence issued by the Road Traffic Commissioner:

Provided that motor tank lorries used exclusively for the transport of petroleum may lawfully transport dangerous petroleum if licensed by the Road Traffic Commissioner under this proviso. Such licence shall expire on the 31st December of the year in which it is issued. A charge of seventy-five fee units shall be made for a licence under this proviso, which sum shall be additional to any licence fee payable under any other written law for the time being in force.

(As amended by No. 481 of 1964 and Act No. 13 of 1994)

17. Any police officer or road traffic inspector in uniform may at any time require the driver of a vehicle in which dangerous petroleum is being conveyed by road to stop and may inspect the vehicle for the purpose of ascertaining whether the provisions of these Regulations are being complied with.

(No. 33 of 1965)

18. Nothing in these Regulations shall be deemed to relieve any person from liability for damage caused by dangerous petroleum.
FORM 1

Licence is hereby granted to ........................................... for the storage in the premises described below of .................................................. litres of dangerous petroleum, subject to the conditions prescribed by the Petroleum (General) Regulations.

This licence shall expire on the 31st December next following the date of issue hereof, and may be renewed on application being made for this purpose.

Description of premises above referred to:

Date of issue: ..........................................................
Licensing Officer: .....................................................

This licence is issued subject to the provisions of the Petroleum (General) Regulations, of which the holder admits cognizance.

(As amended by No. 481 of 1964 and No. 446 of 1969)

FORM 2

Licence is hereby granted to ....... ....... ....... for the transport of .................................. litres of dangerous petroleum from ..................................... to ....................................., subject to the conditions prescribed by the Petroleum (General) Regulations.

This licence shall expire on the 31st December next following the date of issue hereof, and may be renewed on application being made for this purpose.

Date of issue: ..........................................................
Road Traffic Commissioner: ..........................................