CHAPTER 25

PETROLEUM (IMPORTATION, STORAGE AND SALE) ORDINANCE

Amended by: XXV. 2000.36.

To regulate the importation, storage and hawking of petroleum and other similar substances.

Amended by: XXV. 2000.36.

1st April, 1889

ORDINANCE IX of 1889, as amended by Ordinances: VIII of 1897 and XXIX of 1934; Emergency Ordinance XIV of 1958; Ordinances: XVI of 1960 and XXV of 1962; Legal Notice 4 of 1963; Acts: IX of 1971, LVIII of 1974, XI and XVI of 1977, IX of 1982, XIII of 1983, XVII of 1991 and XXV of 2000; Legal Notice 407 of 2007; and Acts XV of 2009, XXXIV of 2014 and XXV of 2015.

Short title. *Amended by: XXV. 2000.36.*

1. The short title of this Ordinance is the Petroleum (Importation, Storage and Sale) Ordinance.

Interpretation. *Substituted by: IX. 1982.2. Amended by: XXV. 2000.36.*

2. In this Ordinance, "petroleum" means all natural hydrocarbons whether in liquid or gaseous form, including crude oil and natural gas, and whether in a crude or natural state or in a processed or refined form.

Master of ship carrying petroleum to state nature of such cargo. *Amended by: XXIX. 1934.2; IX. 1971.3; XIII. 1983.5; XVII. 1991.81; XXV. 2000.36; L.N. 407 of 2007; XV. 2009.49; XV. 2009.49.*

3. (1) The owner or master of every ship carrying a cargo any part of which consists of petroleum shall report to the Authority for Transport in Malta the nature of such cargo together with any other particulars which the Authority for Transport in Malta may require.

(2) The agent of every ship carrying a cargo any part of which consists of petroleum or, in default of such agent, the importer or consignee of any cargo of petroleum shall give to the Authority for Transport in Malta three days previous notice of the arrival of any such ship.

(3) If the owner, master, agent, importer or consignee shall fail to comply with the provisions of this article he shall incur a penalty not exceeding one thousand and one hundred and sixty-four euros and sixty-nine cents (1,164.69):

Provided that in the case of the agent, importer or consignee, such penalty shall not be incurred if it is shown to the satisfaction of the court before which the case is tried that he had no knowledge or could not with reasonable diligence have had knowledge of the arrival of such ship.

Powers of Comptroller of Customs. *Amended by: XVI.1960.3; IX.1982.2.; XXV. 2000.36*

4. It shall be lawful for the Comptroller of Customs to cause a sample of the petroleum on board such ship to be extracted, for the purpose of its being tested in the manner approved by the Minister responsible for ports, at such place and at such time as the said Comptroller may appoint, and the master or any person appointed by him may be present at the testing. The officer or other person so testing shall certify as to the flashing point of the petroleum tested, and his certificate thereon shall be receivable as evidence in any proceedings; but it shall be lawful for the master to give evidence

in proof that such certificate is incorrect, and thereupon the court may appoint experts to examine the petroleum to which the certificate relates, and to report thereon.

Power of Authority for Transport in Malta.
Amended by: XXIX. 1934.3; L.N. 4 of 1963; IX. 1971.3; XVII. 1991.81; XXV. 2000.36; XV. 2009.49.

5. (1) Subject to any general regulations made by the Minister responsible for ports, it shall be lawful for the Authority for Transport in Malta to order that any ship carrying a cargo any part of which consists of petroleum, shall not enter or discharge its cargo of petroleum except in such port or bay and in such place as may be fixed in the order, and if the master shall fail to execute such order immediately, the Authority for Transport in Malta shall cause the ship to be taken in such port or bay and in such place at the cost and risk of the master.

(2) The Authority for Transport in Malta shall not allow the departure of such ship until the expenses of the removal and the custody of the ship and petroleum be paid to it.

Punishments.
Amended by: XVI.1960.3.; XXV. 2000.36

6. The master of any ship referred to in article 3, who refuses to give such assistance as the officers acting under the authority of the Comptroller of Customs may require for extracting the sample referred to in article 4, or any person who wilfully obstructs such officers in the execution of their duties under the provisions of article 4 shall be liable, on conviction, to imprisonment for a term not exceeding three months and to a fine (*ammenda*).

Power of Minister responsible for ports to make regulations.
Amended by: XXIX. 1934.3; L.N. 4 of 1963.

7. The Minister responsible for ports may make regulations respecting the ports or bays in which ships carrying a cargo of petroleum may enter, and the place at which such ships are to be moored and are to land their cargo, as well as respecting the time and mode of, and the precautions to be taken on, such landing.

Penalty in case of breach of regulations.
Amended by: IX. 1971.3; XI. 1977.2; XIII. 1983.5; XVII. 1991.81; L.N. 407 of 2007; XV. 2009.49.

8. (1) Where any ship is moored or any cargo is landed or otherwise unladen in contravention of any regulation made under the provisions contained in the last preceding article, the master of such ship, or the owner of such cargo, as the case may be, shall incur a penalty not exceeding one hundred and sixteen euros and forty-seven cents (116.47) for each day, or part of a day, during which such contravention shall continue.

(2) It shall be lawful for the Authority for Transport in Malta to cause such ship or cargo to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said regulations, and all expenses incurred in such removal may be recovered in the same manner as the penalties established in this Ordinance.

Legal proceedings for the recovery of penalties and expenses.
Amended by: L.N. 46 of 1965; LVIII. 1974.68.

9. It shall be lawful for the Attorney General, on behalf of the Government, to sue before the competent civil court, for the recovery of any penalty or expense recoverable under the provisions of this Ordinance.

The ship, and the master personally, liable for payment of penalties and expenses.

10. The ship, as well as the master thereof personally, shall be liable for the payment of any penalty or for the reimbursement of any sum of money due to the Government in respect of any expense incurred under any of the provisions of this Ordinance.

11. The Minister responsible for ports shall have power to make, revoke and vary, by a Government Notice to be published in the Government Gazette, orders directing the provisions of this Ordinance or of any regulations made in pursuance of this Ordinance to apply to any inflammable, explosive, or corrosive substance, provided that the quantity of any substance to which this Ordinance is directed by a Government Notice to apply, which may be kept without a licence, shall be such quantity only as specified in that behalf in such Notice and, if no such quantity is specified, no quantity may be kept without a licence.

Minister responsible for ports empowered to make the provisions of this Ordinance applicable to other inflammable articles.
Added by: VIII.1897.2. Amended by: L.N. 4 of 1963; XVI.1977.47; XXXIV. 2014.24.

**12.* The Minister responsible for ports shall have power to make special regulations concerning the importation, storage and hawking of any explosive or inflammable substance to which the provisions of this Ordinance or of any orders made by the Minister responsible for ports in pursuance of this Ordinance would not be applicable:

Provided that such power shall not extend to the making of regulations concerning the importation, storage and hawking of any explosive or inflammable substance in relation to which the power to make regulations is vested in the Regulator for Energy and Water Services under the Regulator for Energy and Water Services Act.

Minister responsible for ports empowered to make special regulations.
Added by: VIII.1897.2. Amended by: XIV.1958; XXV.1962.2; L.N. 4 of 1963; XXV. 2000.36. XXV. 2015.41.

Cap. 545.

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*This article consisted of two subarticles. Subarticle (2) has been omitted in consequence of article 47 of Act XVI of 1977.