

British Guiana.

REGULATIONS FOR MAINTAINING SUPPLIES OF PETROLEUM BY CONTROLLING AND RESTRICTING THE SALE THEREOF MADE BY THE GOVERNOR UNDER THE PROVISIONS OF THE EMERGENCY POWERS (DEFENCE) ACT, 1939, AS EXTENDED TO THE COLONY BY THE EMERGENCY POWERS (COLONIAL DEFENCE) ORDER IN COUNCIL, 1939.

1. These Regulations may be cited as the Distribution of Petroleum Regulations, 1939, and shall come into operation on the sixth day of September, 1939.

Short title
and
commence-
ment.

2. (1) In these Regulations, unless the context otherwise requires—

Interpreta-
tion.

“distributor” means any person licensed under section 23 of the Tax Ordinance, 1931, to keep a petroleum pump or filling station for the distribution of petroleum;

No. 29 of
1931.

“District” means an Administrative District proclaimed in accordance with the provisions of the District Government Ordinance ;

Cap. 85,

- Cap. 85. "District Commissioner" means a Commissioner in charge of a District appointed under the District Government Ordinance, and includes an Assistant District Commissioner ;
- No. 7 of 1930. "petroleum" means dangerous petroleum as defined in the Petroleum Ordinance, 1930 ;
- "sale" and "sell" include exchange, barter or gift ;
- "wholesale dealer" means any person who imports petroleum and sells the same by wholesale and includes any person authorised by a District Commissioner to purchase petroleum by wholesale for his own use and not for resale to any other person.
- Cap. 5. (2) The Interpretation Ordinance shall apply to the interpretation of these Regulations as it applies to the interpretation of an Ordinance.
- Sale of petroleum to be authorised by permit. 3. No wholesale dealer or distributor shall sell petroleum to any person unless authorised so to do by a permit issued in accordance with the provisions of regulation 7 hereof.
- Applications for permits. 4. (1) Permits to purchase petroleum shall be issued by, and at the discretion of, the District Commissioner or by any Government Officer authorised in writing in that behalf by a District Commissioner.
- (2) Any person who desires to purchase petroleum (hereinafter referred to as "an applicant") shall first make application to the District Commissioner in charge of the District in which he resides for a permit to purchase petroleum.
- (3) Each application shall state—
- (a) the amount of petroleum the applicant desires to purchase ; and
- (b) the use to which the petroleum, if and when obtained, is to be put.
- Additional information may be required. 5. Every applicant shall furnish the District Commissioner with such additional information as the said Commissioner may require.
- Powers of District Commissioner regarding the issue of permits. 6. A District Commissioner may decline to issue a permit to any applicant or may sign and issue a permit authorising the purchase of a lesser amount of petroleum than that stated in an application.
- Issue of permits. Form A. 7. (1) All permits authorising the purchase of petroleum shall be in the Form A of the Schedule hereto and shall in each case be prepared in triplicate.
- (2) The original and the duplicate copy thereof shall be issued to the applicant and the triplicate copy shall be retained by the District Commissioner.

(3) The applicant shall give the duplicate copy of the permit to the wholesale dealer or distributor who sells him the petroleum.

(4) The original permit shall be retained by the applicant who shall, upon demand being made, produce it for the inspection of any officer of customs, District Commissioner, or the officer authorised by the District Commissioner in that behalf in writing, any member of the Police Force or any warden or sub-warden.

(5) The District Commissioner shall keep a record, in the Form B of the Schedule hereto, of all applications made for permits and of all permits issued. Form B.

8. (1) Every wholesale dealer or distributor who desires to obtain petroleum shall tender to the District Commissioner permits obtained from his customers representing in the aggregate an amount of petroleum equal to that which he himself desires to obtain. The District Commissioner shall retain the permits so tendered. Replenishment of stocks by distributors and wholesale dealers.

(2) The District Commissioner may then issue to the wholesale dealer or distributor a delivery order in duplicate, in the Form C of the Schedule hereto, authorising the said wholesale dealer or distributor to obtain the quantity of petroleum set forth in the delivery order. The wholesale dealer or distributor shall retain the original of the delivery order and shall give the duplicate copy to the person, being one of the persons specified in sub-regulation (4) of this regulation, from whom he obtains the petroleum. Form C.

(3) The amount of petroleum authorised by the delivery order shall not exceed an amount equal to that represented by the aggregate amounts specified in the permits tendered by the wholesale dealer or distributor to him :

Provided that a District Commissioner may, in his discretion, issue a delivery order for any reasonable amount of petroleum to any wholesale dealer or distributor who satisfies him that on the date these Regulations came into force he had no petroleum in his possession and he may also issue a delivery order in respect of a larger amount than that represented by the aggregate of the amounts specified in the permits to any wholesale dealer or distributor who satisfies him that he had in his possession an abnormally small supply of petroleum on the date on which these Regulations came into force.

(4) The persons in charge of—

(a) the Petroleum Warehouse, Georgetown ; or

(b) any buildings licensed in accordance with the provisions of section 4 (1) of the Petroleum Ordinance, 1930,

shall not deliver any petroleum to any person other than an wholesale dealer or distributor in possession of a valid delivery order and shall only deliver to such wholesale dealer or distributor the amount of petroleum specified in the delivery order.

Powers of seizure.

9. If any petroleum is suspected of being offered or exposed for sale, delivered, sold or had in possession contrary to the provisions of these Regulations the same shall be liable to be seized by any officer of customs, District Commissioner, any member of the Police Force or any warden or sub-warden and upon conviction of the person responsible for any such offering, exposing, delivering, selling or possessing, the petroleum may be adjudged to be forfeited by a Court.

Disposal of forfeited petroleum.

10. Any petroleum forfeited under these Regulations, together with the vessel or other receptacle containing the same, shall be disposed of as the Governor may direct.

Offences.

11. It shall be an offence against these Regulations if :—

- (i) any wholesale dealer or distributor delivers petroleum to any person without the production by that person of a permit ;
- (ii) any person forges, alters, or defaces any permit or delivery order issued, or intended to be issued, under these Regulations ;
- (iii) any person sells any permit or delivery order issued under these Regulations ;
- (iv) any person uses petroleum for any purpose other than that specified in the permit issued to him ;
- (v) any person, other than a wholesale dealer or distributor sells any petroleum for any purpose whatsoever ;
- (vi) any person in possession of petroleum fails to produce, on demand, to any officer of customs, District Commissioner or officer authorised by him in writing, warden or sub-warden or any member of the Police Force, the permit under which he obtained the same.

Prosecutions.

12. All prosecutions and proceedings for offences, forfeitures and penalties under these Regulations may be instituted under the Summary Jurisdiction Ordinances, by any officer of customs, District Commissioner or officer authorised by him in writing, warden or sub-warden or any member of the Police Force.

Penalties.

13. A person convicted of an offence against these Regulations shall be liable on conviction to be sentenced to pay a fine not exceeding four hundred and eighty dollars, or to imprisonment with or without hard labour for a term not exceeding six months, or to both such fine and imprisonment.

Saving in case of fuel alcohol manufactured locally.

14. Nothing in these Regulations contained shall be deemed to refer to fuel alcohol manufactured within the Colony.

Made this 4th day of September, 1939.

E. J. WADDINGTON,
Acting Governor.

SCHEDULE.

FORM A.

PERMIT.

No.....

(Distribution of Petroleum Regulations, 1939, reg. 7 (1)).

Permission is hereby granted to (1)

..... of (2).....

to obtain..... gallons of petroleum from

(3) (a wholesale dealer)
..... (distributor)

(4)

during the period commencing.....

and ending.....

The abovementioned petroleum is to be used solely for the purpose of

Date 1939.

District Commissioner.

District.

- (1) Name of applicant.
- (2) Address.
- (3) Name of dealer to be stated by applicant.
- (4) Address.

FORM B.

REGISTER OF APPLICATIONS MADE AND PERMITS ISSUED.

(Distribution of Petroleum Regulations, 1939, reg. 7 (5)).

Name of Applicant for Permit.	Address of Applicant.	Registration number of vehicle.	Reasons for obtaining petroleum.	Other information.	Quantity of petroleum issued.	No. of permit issued (if any).	Reasons for not issuing permit. (If application refused).

FORM C.

 DELIVERY ORDER.

No.....

(Distribution of Petroleum Regulations, 1939, reg. 8 (2)).

To

You are hereby authorised to deliver to

(1).....of

(2).....

(3).....gallons of petroleum.

The abovementioned petroleum is to be used solely for the purpose of

.....

Date.....

District Commissioner.

District.

-
- (1) Name of wholesale dealer or distributor.
 (2) Address.
 (3) Amount.