

The Laws of Zambia
REPUBLIC OF ZAMBIA

CHAPTER 435 THE PETROLEUM ACT

THE PETROLEUM ACT

ARRANGEMENT OF SECTIONS

Section

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CHAPTER 435

PETROLEUM

28 of 1930
13 of 1994
8 of 1995
Government Notice
202 of 1964

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. Short title
2. In this Act, unless the context otherwise requires- Interpretation

"crude petroleum" means any petroleum found in naturally formed liquid deposits and obtained as a raw material for the purpose of being refined into its many petroleum finished products or derivatives;

"petroleum" means crude petroleum and petroleum derivatives;

"petroleum derivatives" means any naturally occurring or manufactured petroleum hydrocarbon.

(As amended by Act No. 8 of 1995)

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3. The Minister may, by statutory instrument, make regulations for all or any of the purposes following: Regulations
- (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 and quality 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 and qualities to be contained in such receptacles;
 - (d) prescribing the form of construction and type of materials used in all equipment, vessels, vehicles, tanks and receptacles that are used in the processing, transport, storage and sale of petroleum by establishing and enforcing the required codes for such, and the licensing of the operators;
 - (e) prescribing the safety and environmental requirements for the operation of all equipment, vessels, vehicles, trucks, and receptacles used in the processing, storage and sale of petroleum by establishing and enforcing the required codes for such, and licensing of the operators;
 - (f) prescribing the powers and duties of officers appointed for the purposes of this Act;
 - (g) 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;
 - (h) prescribing the fees to be paid for any licence or permit issued or examination or other thing done under this Act;
 - (i) generally for carrying out the purposes of this Act.

*(As amended by G.N. No. 202 of 1964
and Act No. 8 of 1995)*

4. The Minister may, by statutory notice- Extension of regulations
- (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, equipment, tank, vehicle, vessel and receptacle 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
and Act No. 8 of 1995)*

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 hundred thousand penalty units or to imprisonment with or without hard labour for a period not exceeding ten years, 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. Penalty

*(As amended by Act No. 13 of 1994
and Act No. 8 of 1995)*

PETROLEUM

THE PETROLEUM (GENERAL) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

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SECTION 3-THE PETROLEUM (GENERAL) REGULATIONS

Regulations by the Minister

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156 of 1959

375 of 1961

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Act No.

13 of 1994

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.

Title and application
Cap. 281

(As amended by No. 63 of 1939)

2. In these Regulations, unless the context otherwise requires-

Interpretation

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

"dangerous petroleum" means the following brands of petroleum:

Atlantic, Atlas, Benzol, 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 any one 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;

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"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.

(As amended by No. 108 of 1932, No. 88 of 1948, No. 202 of 1964 and No. 446 of 1969)

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: Issue of licences

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: 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;

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- (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:

Storage other than in storage sheds

- (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 15.24 metres in width around the fenced area;
- (b) paragraphs (a), (e), (i), (h), (j), (k), (l) and (m) of sub-regulation (1) shall apply, *mutatis mutandis*, to such fenced area.

(No. 108 of 1932 as amended by No. 281 of 1958,
No. 156 of 1959, No. 375 of 1961, No. 481 of 1964
and No. 446 of 1969)

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

Soldering of filled tins

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6. A licensing officer or any officer deputed by him for the purpose or any police officer of or above the rank of Sub-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.

Inspection of premises

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

7. (1) 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.

Application for
licenses to possess
dangerous petroleum

(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.

Expiration of licence

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.

Possession of valid
licence required

(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.

Liability for expenses
incurred through
breach of Regulations

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

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- 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 submitted if it is certified that no alteration has been made to the premises described on the original plan submitted. Renewal of licences
- 12.** The following fee units shall be charged per annum or for any lesser period for licences for the possession of dangerous petroleum, namely: Prescribed fees
- (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. Prescribed forms
- 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. Revocation of licences
- (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. Transport of dangerous petroleum
- 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. Transport of dangerous petroleum in bulk
- (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)*

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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.

Powers of police and road traffic inspectors

(No. 33 of 1965)

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

No relief from liability for damage

SCHEDULE

PRESCRIBED FORMS

(Regulation 13)

LICENCE TO POSSESS DANGEROUS PETROLEUM

No..... Fee.....

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)

LICENCE TO TRANSPORT DANGEROUS PETROLEUM

No Fee.....

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*

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)