

(Rules to regulate the granting of licenses to keep or transport petroleum)

No. 16

The 12th January 1903.

No. 16. - In exercise of the powers conferred by section 9 of the Indian Petroleum Act, 1899 (VIII of 1899), and in supersession of the notifications of the Government of Burma cited in the margin to the extent there indicated, the Lieutenant-Governor is pleased, with the previous sanction of the Governor-General in Council, to make the following rules to regulate the granting of licenses to keep or transport petroleum in the whole of Burma except the Shan States, namely:-

POSSESSION OF PETROLEUM.

1. (1) Licenses to keep petroleum in quantities exceeding five hundred gallons shall ordinarily be granted only when-
 - (a) the quantity of petroleum to be kept in one place does not exceed fifty thousand gallons, and
 - (b) the place to be used for the keeping of the petroleum is constructed of non-inflammable materials and fulfils the following conditions, namely,-
 - (i) where the quantity of petroleum to be kept in the place does not exceed five thousand gallons, the doorways and other openings shall be built up to a height of not less than two feet above the level of the basement floor, so that the petroleum cannot flow out of the place in the event of the destruction of the ordinary receptacles by fire or otherwise;
 - (ii) where the quantity of petroleum to be kept in the place exceeds five thousand gallons, the doorways and other openings shall be built up to a height of not less than three feet above the level of the basement floor, so that the petroleum cannot flow out of the place in the event of the destruction of the ordinary receptacles by fire or otherwise, and save as between two or more buildings constructed and used only for the keeping of petroleum, there shall be a clear open space of at least twenty feet round the building.
- (2) The Local Government may, on such special conditions as it may in each case deem reasonable or necessary, grant licenses to keep petroleum in quantities exceeding fifty thousand gallons.
2. The District Magistrate or any Magistrate appointed by him in writing in this behalf, or any police officer above the rank of Head Constable appointed in writing in this behalf by the District Magistrate or, in

Rangoon Town, by the Commissioner of Police, may, at any time after sunrise and before sunset, enter any place in respect of which a license to keep petroleum has been granted for the purpose of inspecting the same, and may require the licensee, or any other person found in occupation of such place, to show him any place and any vessel in which any petroleum is stored or contained in such place, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples; and the licensee or other person found in occupation of the place shall immediately comply with such requisition.

3. Where any District Magistrate or any Magistrate or police officer appointed in accordance with the provisions of rule 2 has, in exercise of the powers conferred by that rule, obtained a sample of any petroleum found in any place in respect of which a license to keep petroleum has been granted, he may give notice in writing to the licensee, or other person found in occupation of such place, stating that he is about to test such sample, or cause it to be tested, with the apparatus and in the manner prescribed in the schedule to the Act at a time and place to be fixed in the notice, and that the licensee or his authorized agent may be present at the testing.
4. A fee calculated on the following scale shall be charged for each license to keep petroleum, namely:-

Rs.

Where the quantity exceeds five hundred, but
does not exceed one

thousand, gallons 12

Where the quantity exceeds one thousand,
but does not exceed five

thousand, gallons 12

and Rs.2 extra for every one thousand gallons or part of one
thousand gallons in excess of one thousand gallons.

Where the quantity exceeds five thousand gallons,
but does not exceed fifty

thousand gallons 20

and Rs.4 extra for every thousand gallons or part of one

thousand gallons in excess of five thousand gallons.

Where the quantity exceeds fifty

thousand gallons 250

Provided that, where the same person, company or firm requires two or more licenses to keep petroleum in different places in Burma except the Shan States, the aggregate of the fees charged therefor shall not exceed the sum of two hundred and fifty rupees.

5. (1) Every license to keep petroleum in any place shall specify the maximum quantity of petroleum which may be kept in that place.
- (2) Every license to keep petroleum shall, unless forfeited or cancelled as hereinafter provided by rule 16, sub-rule (2), remain in force until the 31st December next following the date of the issue of the license.
6. Any godown specially reserved by the Port Commissioners of Rangoon for the storage of petroleum, and any godown used by the Port Commissioners for the temporary storage of petroleum brought into port under rule 3 of the rules published with the Notification of the Government of Burma in the Revenue Department, No. 46, dated the 15th March 1890, shall be deemed to have been duly licensed under these rules.

TRANSPORT OF PETROLEUM.

7. (1) Licenses for the transport of petroleum may be general or special.
- (2) Licenses for the transport of petroleum, otherwise than petroleum in bulk, shall not be granted except on the condition that the petroleum to be transported shall, during such transport, be packed in air-tight tins or other vessels not easily broken, or be contained in bottles securely stoppered and carefully packed so as to avoid risk of breakage.
- (3) Save as hereinafter otherwise provided by sub-rule (4), licenses shall not be granted for the transport of petroleum in bulk, other than dangerous petroleum-
 - (a) by rail, unless the petroleum is contained in tank-waggon or portable tanks approved by the Railway Administration over whose line it is intended to transport it;
 - (b) by inland steam-vessels, unless the petroleum is carried thereon in accordance with the rules for the time being in force under the Inland Steam-vessels Act, 1884 (VI of 1884);

- (c) by sea-going vessels, unless such vessels are certified as fit for the service by an officer appointed in this behalf by any Local Government subject to any restrictions for the time being in force under any law or enactment;
- (d) by boat, unless the boat and its tanks are certified as fit for the service by an officer appointed by the Local Government in this behalf and no other easily inflammable cargo is carried thereon at the same time;
- (e) by cart, unless the carts are certified as fit for the purpose by an officer appointed in this behalf by the Local Government.

(4) Notwithstanding anything contained in sub-rule (3), licenses may be granted for the transport of petroleum in bulk, whether dangerous or other than dangerous, by flats or barges towed by steamers in accordance with the rules in force under the Inland Steam-vessels Act, 1884:

Provided such flats or barges-

- (a) are those of the Irrawaddy Flotilla Company; Limited, specially constructed for the purpose, or
- (b) are certified as fit for the purpose by an officer appointed in this behalf by the Local Government.

(5) A waggon, tank, inland steam-vessel, sea-going vessel, boat, cart, flat or barge employed under this rule for the transport of petroleum shall not be afterwards used for the carriage of any other kind of cargo unless it has been thoroughly cleaned so as to be quite free of petroleum.

8. (1) General licenses for the transport of petroleum other than dangerous petroleum shall be in force for a period twelve months only and may authorize the licensees to transport, by any of the modes of conveyance specified in rule 7, sub-rules (3) and (4), any such petroleum, being their own property, without restriction as to destination or quantity.

(2) The holder of any such general license shall, with each consignment of petroleum conveyed under cover of his license, issue a pass specifying the places from and to which the petroleum is to be transported, and the quantity of petroleum covered by it.

(3) Every pass issued under sub-rule (2) shall be numbered and, where any petroleum is transported under such pass-

- (a) by boat, no person shall smoke or kindle or carry any fire or naked light in or into the boat and the person in charge of such boat shall, from sunrise to sunset, show at its stern a red flag, eighteen inches long and twelve inches broad, having the words "Petroleum Boat" marked on it in black letters; and, in any port or other place in which a special anchorage for petroleum boats has been

appointed by the District Magistrate or by any Port Officer, such boat shall not be moored or anchored except at such special anchorage; or

(b) by cart, the number of the general license shall be legibly marked on a conspicuous part one of the last cases on the cart, and the person in charge of the cart shall not either permit it to move after sunset or before sunrise, or allow any light or smoking on or near the cart.

9. (1) General licenses for the transport of dangerous petroleum in flats or barges shall be current for such period, not exceeding twelve months, as may be specified in the license, and may authorize the holder to transport dangerous petroleum along the routes indicated in the license.
- (2) The holder of a general license to transport dangerous petroleum in flats or barges shall, with each consignment of petroleum transported thereunder, issue a pass specifying the quantity of dangerous petroleum covered by it and the places from and to which such petroleum is to be transported.
- (3) Every pass issued under sub-rule (2) shall be numbered.
10. Special licenses for the transport of petroleum shall be in force for such period, not exceeding six months, as may be specified in the license, and shall specify the places from and to which the petroleum is to be transported, the quantity of petroleum covered by it, and the time for which it is to be in force.
11. Every application for a license for the transport of petroleum by any of the modes of conveyance specified in sub-rule (3) of rule 7 or for the transport of dangerous petroleum in flats or barges under sub-rule (4) of the said rule shall specify-
- (a) the description and quantity of the petroleum to be transported and whether the same is dangerous petroleum or not;
- (b) the places from and to which respectively the petroleum is to be transported; and
- (c) the receptacles in which it is to be contained.
12. The District Magistrate or any Magistrate appointed by him in writing in this behalf, or any police officer above the rank of Head Constable appointed in writing in this behalf by the District Magistrate or, in Rangoon Town, by the Commissioner of Police, may, at any time after sunrise and before sunset, and on or before the arrival of the petroleum at its place of destination, enter in or upon any tank-waggon, portable tank, inland steam-vessel, sea-going vessel, boat, flat or barge, or detain any cart used for such transport, for the purpose of inspecting the license or pass and seeing whether the provisions of these rules and the conditions prescribed thereunder are receiving compliance.
13. The following fees shall be paid for licenses for the transport of petroleum, namely:-

(a) Special licenses-

					Rs.
For the first five thousand or part of five thousand gallons	...	...			1
For every additional five thousand gallons or part of five thousand gallons		...			1

(b) General license-

For petroleum other than dangerous petroleum	...	...	...		100
For dangerous petroleum	...	...	...	...	250

GENERAL.

14. (1) Licenses to keep petroleum in quantities exceeding fifty thousand gallons, or to keep or transport dangerous petroleum in quantities exceeding forty gallons or by either of the modes of conveyance specified in rule 7, sub-rule (4), shall be granted, under the signature of a Secretary to the Government of Burma, on the recommendation of the Commissioner of the Division or, in Rangoon Town, of the District Magistrate.
- (2) Applications for the licenses referred to in sub-rule (1) shall be made through the District Magistrate.
- (3) All licenses other than licenses of the kinds specified in sub-rule(1), to keep or transport petroleum, shall be granted by the District Magistrate, or by such other officer as the Local Government may, by an order in writing, appoint in this behalf.
15. Subject to the restrictions contained in section 5 of the Act and rules 1 and 14 of these rules, the licensing officer may in his discretion grant a license to keep or transport such quantity of petroleum as he thinks fit.
16. (1) All licenses and passes shall be in the forms and shall contain the particulars set forth in the schedule hereto annexed.
- (2) Every license shall be liable to be forfeited for breach of any condition endorsed thereon in conformity with the said schedule, and may at any time, for good and sufficient reason, be cancelled by the licensing authority.

17. Every application for the renewal of a license shall be made, in the same manner as an application for an original license, not less than fifteen days before the date on which the original license expires, and the same fee shall be charged for the renewal of a license as for a new license.

----- Footnote -----

[ပင်ရင်း- ၁၇.၁.၁၉၀၃ ရက်နေ့ထုတ် ပြန်တမ်းမှ ကူးယူတင်ပြသည်။]

----- Attachment -----

[ATTACH LIST 1] 01 SCHEDULE. FORM A. License to keep dangerous petroleum to be granted under sections 5 or sections 6 of the Indian Petroleum Act, 1899 (VIII of 1899).

[ATTACH LIST 2] 02 FORM B. License to keep petroleum, other than dangerous petroleum, to be granted under section 11 of the Indian Petroleum Act, 1899 (VIII of 1899).

[ATTACH LIST 3] 03 FORM C. Special license to transport dangerous petroleum to be granted under sections 5 or section 6 of the Indian Petroleum Act, 1899 (VIII of 1899).

[ATTACH LIST 4] 04 FORM D. General license to transport dangerous petroleum by flats or barges to be granted under section 5 of the Indian Petroleum Act, 1899 (VIII of 1899).

[ATTACH LIST 5] 05 FORM E. Special license to transport petroleum, other than dangerous petroleum, to be granted under section 11 of the Indian Petroleum Act, 1899 (VIII of 1899).

[ATTACH LIST 6] 06 FORM F. General license to transport in bulk (otherwise than in bulk, as the case may be) petroleum, other than dangerous petroleum, to be granted under section 11 of the Indian Petroleum Act, 1899 (VIII of 1899).

[ATTACH LIST 7] 07 FORM G. Pass to be granted by the holder of General License No. for the transport in bulk(otherwise than in bulk, as the case may be) of petroleum, other than dangerous petroleum.

[ATTACH LIST 8] 08 FORM H. Pass to be granted by the holder of General license No. for the transport of dangerous petroleum by flats or barges.