

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্বাপন সফল হোক”

বাংলাদেশ



গেজেট



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, সেপ্টেম্বর ১৪, ২০২০

Government of the People's Republic of Bangladesh

Ministry of Power, Energy and Mineral Resources

Energy and Mineral Resources Division

NOTIFICATION

Dated : 10 September, 2020

S.R.O. No. 252-Law/2020.—In exercise of the power conferred by section 34 of the Petroleum Act, 2016, the Government is pleased to publish the following Authentic English Text of the Act :

Petroleum Act, 2016

Act No. 32 of 2016

**An Act to repeal and, with certain amendments, re-enact the
Petroleum Act, 1934**

WHEREAS it is expedient and necessary to repeal and, with certain amendments, re-enact the Petroleum Act, 1934 (Act No. XXX of 1934) to make provisions relating to the import, transport, storage, production, refining, blending or reclaiming by recycling, marketing and distribution of petroleum and other inflammable substances;

It is hereby enacted as follows :—

(৮৮১৩)

মূল্য : টাকা ২০.০০

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Petroleum Act, 2016.

(2) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (1) “**to import**” means to bring petroleum into Bangladesh by land, water or air;
- (2) “**stockist**” means a person appointed, with the approval of the Government, by an oil marketing company to be a stockist for maintaining stock, and for distribution among the agents and dealers, of class I or class II petroleum;
- (3) “**agent**” in relation to the oil marketing company, means a person appointed, with the approval of the Government, by an oil marketing company to be its agent for dealing in class II or class III petroleum;
- (4) “**dealer**” means a person appointed, with the approval of the Government, by an oil marketing company to be a dealer for dealing in class I petroleum;
- (5) “**class III petroleum**” means petroleum having its flashing-point not below 62 degrees centigrade;
- (6) “**oil marketing company**” means a company, organisation or any other person having right, under the authority of the Government, of marketing petroleum in Bangladesh, or any other company or organisation or person authorised by such company, organisation or person;
- (7) “**class II petroleum**” means petroleum having its flashing-point below 61 degrees but not below 23 degrees centigrade;
- (8) “**to transport**” means to move petroleum from one place to another within Bangladesh by land, water or air;

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- (9) “**petroleum**” means any liquid hydrocarbon or mixture of hydrocarbons, and any inflammable substance and mixture (liquid, viscous or solid) containing any liquid hydrocarbon;
 - (10) “**class I petroleum**” means petroleum having its flashing-point below 23 degrees centigrade;
 - (11) “**Chief Inspector of Explosives**” means the Chief Inspector of Explosives in Bangladesh;
 - (12) “**flashing-point of petroleum**”, in case of any petroleum, means the lowest temperature at which—
 - (a) it yields a vapour which will give a momentary flash when ignited; and
 - (b) which is determined in accordance with the provisions of this Act and the rules made thereunder;
 - (13) “**Code of Criminal Procedure**” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
 - (14) “**rules**” means rules made under this Act;
 - (15) “**person**” includes any person or institution, company, partnership business, farm or any other association;
 - (16) “**to store**” means to keep petroleum in any place, but does not include any detention happening during the ordinary course of transport;
 - (17) “**motor conveyance**” means any vessel, vehicle or aircraft for the conveyance of human beings, animals or goods, by land, water or air, in which petroleum is used to generate the motive power;
 - (18) “**licence**” means a licence issued under this Act;
 - (19) “**Licensing Authority**” means the Licensing Authority constituted under section 11.

3. Act to override any other law.—The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any other instrument having force of law.

CHAPTER II

CONTROL OVER PETROLEUM

4. Import, transport, storage and distribution of petroleum.—No person shall—

- (a) import, transport, store or distribute any petroleum save in accordance with the rules made under section 31; or
- (b) import class I petroleum, and transport, store or distribute any petroleum save in accordance with the licence and the conditions specified therein.

5. Production, refining, blending, etc. of petroleum.—No one shall produce, refine, blend or reclaim by recycling petroleum save in accordance with the provisions of the rules made under section 31.

6. No licence is needed in certain circumstances.—Notwithstanding anything contained in this Chapter, no licence shall be required in the following circumstances, namely :—

- (a) transport or storage of class II and class III petroleum not exceeding 2000 (two thousand) liters :
Provided that such petroleum shall be contained in receptacles of 1000 (one thousand) liters or less in capacity;
- (b) import, transport or storage of class I petroleum without intending for sale, not exceeding 25 (twenty-five) liters :
Provided that such petroleum shall be kept in securely stoppered receptacles of plastic, stoneware or metal in accordance with the following method, namely :—
 - (i) in the case of receptacles of plastic or stoneware, not exceeding 1 (one) liter in capacity; and
 - (ii) in the case of receptacles of metal, not exceeding 25 (twenty-five) liter in capacity;
- (c) import or transport of any petroleum by the 'railway administration' as defined under sub-section (6) of section 3 of the Railways Act, 1890 (Act No. IX of 1890), for keeping possession in its capacity as carrier.

7. Exemptions from obtaining licence for motor conveyance and stationary engines.—(1) The owner or driver or pilot of a motor conveyance, for which registration and licence have been obtained in compliance with the requirements of any law for the time being in force, or the owner of any stationary internal combustion engine shall not be required to obtain a licence, if—

- (a) any petroleum contained in any fuel tank incorporated in the motor conveyance attached to the internal combustion engine is imported, transported or stored; or
- (b) class I petroleum, not exceeding 90 (ninety) litres in quantity in addition to any quantity possessed under clause (a) is stored or transported :

Provided that the petroleum is intended to be used to generate motive power for the motor conveyance or engine.

(2) Notwithstanding that such owner may possess other motor conveyance or engines, the quantity of class I petroleum, stored without a licence shall not exceed the quantity specified under clause (b).

(3) In case of storage and transport of class I petroleum without a licence under clause (a) of sub-section (1), the provisions of clause (b) of section 6 shall be complied with, and, if it exceeds 5 (five) liters in quantity shall be stored in an isolated place which does not communicate with any room where any person resides or works or in any room where persons assemble.

8. Receptacles of class I petroleum to show a warning.—(1) All receptacles containing class I petroleum shall have a stamped, embossed, painted or printed warning, either on the outside of receptacles or, where that is difficult or impracticable, displayed in the place where the receptacle is stored, exhibiting in such conspicuous characters the words "Petrol" or "Motor Spirit" or an equivalent warning of the class I nature of the petroleum.

(2) The provisions of sub-section (1) shall not be applicable to the following cases, namely :—

- (a) any securely stoppered plastic, stoneware or metal receptacle of less than 9 (nine) liters capacity containing class I petroleum which is not for sale;
- (b) a tank incorporated in a motor conveyance attached to an internal combustion engine containing to be used to generate motive power for the motor conveyance engine;

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- (c) a pipe-line for the transport of petroleum;
 - (d) any tank which is wholly underground; or
 - (e) any class of receptacle which the Government may, from time to time, by notification in the official Gazette, exempt from the operation of this section.

9. Exemption.—Nothing in this Act shall apply to the storage, transport and import of any petroleum which has its flashing point 95 (ninety-five) degrees centigrade or above.

10. Inspection of places.—(1) The Government may authorise any officer, by name or by virtue of office, to enter any place where petroleum is being imported, stored, distributed, produced, refined, blended or reclaimed by recycling or is under transport, and inspect all receptacles, plant and appliances used in connection with petroleum in order to ascertain whether they are in accordance with the provisions of this Chapter and the rules made thereunder.

(2) The procedure relating to entry and inspection of officers authorised under sub-section (1) shall be prescribed by rules.

Chapter III

LICENCE, ETC.

11. Licence, etc.—(1) For issue of licence the Chief Inspector of Explosives or any other Inspector of Explosives authorised by him in this behalf shall be the Licensing Authority.

(2) Every application for licence shall be submitted to the Licensing Authority.

(3) Application for licence and renewal, preservation, display, suspension, cancellation of licence and all other matters relating thereto shall be prescribed by rules.

12. Issuance of Licence.—The Licensing Authority shall issue licence, in such manner, for such period, on such conditions and subject to payment of such fees, as may be prescribed by rules.

Chapter IV

THE TESTING OF PETROLEUM

13. Collection of sample of petroleum.—(1) The Government may authorise any officer by name or by virtue of office to enter and inspect any place where petroleum is being imported, transported, stored, distributed, produced, refined, blended or reclaimed by recycling and take samples for testing of any petroleum found therein.

(2) The procedure of taking of samples of petroleum for testing, payment of the value of samples taken, and entry and inspection of authorised officer and testing of samples shall be prescribed by rules.

14. Standard Test Apparatus.—(1) A Standard Test Apparatus for determining the flashing point of petroleum shall be deposited with an officer to be appointed in this behalf by the Government by notification in the official Gazette.

(2) Such apparatus shall be printed or engraved with the words “Standard Test Apparatus”, and shall be verified and corrected from time to time and replaced, when necessary, in accordance with the procedure prescribed by rules.

(3) Any person, on payment of such fees as may be prescribed by the Government by notification in the official Gazette, may inspect the Standard Test Apparatus at all reasonable times, and for this purpose such apparatus shall be open for inspection.

15. Certification of Test Apparatus.—(1) The officer appointed under section 14 shall, on payment of fees, prescribed by the Government by notification in the official Gazette, if any, compare any apparatus with the Standard Test Apparatus for determining the flashing-point of petroleum which may be submitted to him for this purpose.

(2) If any apparatus is found by him to agree with the Standard Test Apparatus within the limits prescribed by rules, the officer shall print or engrave such apparatus with a special-number and with the date of the comparison, and shall give a certificate in such form as may be prescribed by rules, certifying that on the said date the apparatus was compared with the Standard Test Apparatus and was found to agree with it within such limits as may be prescribed by rules.

(3) In the certificate issued under sub-section (2), it shall be specified among other matters, the necessary corrections to be made in the results of tests carried out with the apparatus.

(4) A certificate issued under this section shall be valid for such period as may be prescribed by rules.

(5) A certificate issued under this section shall, during the period for which it is valid, be proof of any matter stated therein until the contrary is proved.

(6) The officer shall maintain a register in such form as may be prescribed by rules of all certificate issued by him under this section.

16. Testing officers.—The Government may authorise any officer by name or by virtue of office to test petroleum of which samples have been taken under this Act, or which may have been submitted to him for test by any person, and to issue certificates of the results of such tests.

17. Manner of test.—All tests of petroleum made under this Act shall be made with a test apparatus in respect of which there is a valid certificate under section 15, with due regard to any correction specified in that certificate, and shall be carried out in accordance with such conditions and procedure as may be prescribed by rules.

18. Certificate of testing.—(1) The testing officer after testing samples of petroleum shall make out a certificate in such form as may be prescribed by the Government by notification in the official Gazette, stating whether the petroleum is class I or class II or class III, and in case of class II and class III, mention the flashing-point of the petroleum.

(2) The testing officer shall furnish the person concerned, at his request, with a certified copy of the certificate, on payment of such fees as may be prescribed by rules, and such certified copy may be produced in any Court in proof of the contents of the original certificate.

(3) The samples of petroleum taken or the certificate given under this section shall be admitted as evidence in any proceeding, and shall, until the contrary is proved, be conclusive proof that the petroleum is class I or class II or class III, as the case may be, and in case of class II or class III, of its flashing-point.

19. Right to require re-tests.—(1) The owner of any petroleum, or his agent, who is not satisfied with the result of the test of the petroleum may, within 7 (seven) days from the date on which he received intimation of the result of the test, apply to the officer authorised under section 13 to have fresh sample of the petroleum taken and tasted.

(2) Upon application under sub-section (1) and on payment of the prescribed fees, fresh samples of the petroleum shall be taken in the presence of such owner or agent or person deputed by him, and shall be tested in the presence of such owner or agent or person deputed by him.

(3) If, on re-test under sub-section (2), it appears that the original test was erroneous, the testing officer shall cancel the original certificate issued under section 18, make out a fresh certificate, and furnish the owner of the petroleum, or his agent, with a certified copy thereof, free of charge.

CHAPTER V

OFFENCES, PENALTIES, ETC.

20. Penalty for contravening any provision of this Act.—(1) If—

- (a) any person imports, transports, stores, distributes, produces, refines, blends or reclaims by recycling any petroleum in contravention of any provision of Chapter II or the rules made there under; or
- (b) any person contravenes any provision of the rules made under section 31 in connection with section 4 or section 5; or
- (c) the holder of a licence or a person for the time being placed by the holder of such licence in control or in charge of any place where petroleum is being imported, stored, distributed or is under transport, contravenes any condition of such licence; or
- (d) any person for the time being in control or in charge of any place where petroleum is being imported, stored, distributed, produced, refined, blended or reclaimed by recycling or is under transport—
 - (i) refuses or neglects any officer authorised under section 13 during inspection or, to render reasonable assistance in making such inspection in such place or conveyance, as the case may be, or
 - (ii) refuses to assist him to take samples of the petroleum;

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- (e) any person, being required under section 24, fails to give information of any accident,

such act of that person shall be an offence, and for this he shall be punished with imprisonment for a term which may extend to 06 (six) months, or with fine which may extend to 10 (ten) thousand Taka, or with both.

(2) If any person for the time being in control or in charge of any place where petroleum is transported, stored, distributed, produced, refined, blended or reclaimed by recycling or is under transport—

- (i) obstructs or fails to render reasonable assistance to any officer authorised under section 10 to inspect such place or conveyance, as the case may be, or
- (ii) refuses or neglects to show to him any receptacle, plant or appliance in connection with such petroleum.

such act of that person shall be an offence, and for this he shall be punished with such punishment as mentioned in sub-section (1).

(3) If any person commits any offence mentioned in sub-sections (1) and (2) for the second time or repeatedly, he shall be punished with twice of the penalties provided for the offence, successively.

21. Confiscation of petroleum and receptacles.—In any case in which an offence under clause (a), (b) or (c) of sub-section (1) of section 20 has been committed, the convicting Metropolitan Magistrate or the Magistrate of the first class or second class may direct that—

- (a) the petroleum in respect of which the offence has been committed, or
- (b) where the offender is convicted of importing, transporting, storing or distributing petroleum exceeding the quantity he is permitted to import, transport, store or distribute, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall be confiscated together with the receptacles in which it is contained.

22. Offences committed by a company.—(1) Where an offence is committed by a company, every director, manager, secretary, partner, officer and employee, having direct involvement in committing the offence, shall be deemed to have committed the offence, unless he proves that the offence was committed without his knowledge or he exercised all due diligence to prevent the offence.

(2) If the company mentioned in sub-section (1) is a body corporate, besides prosecuting or convicting the persons mentioned in such sub-section, the company may also be prosecuted and convicted separately in the same proceeding, but in criminal cases, the company shall only be liable to fine under the relevant provision.

Explanation.—In this section—

- (a) "company" includes any commercial institution, partnership business, association, club or organisation;
- (b) "director", in case of commercial institution, includes any partner, or member of the Board of Directors.

23. Power of entry and search.—(1) Any officer authorised by the Government by notification in the official Gazette, may enter and search any place where he has reason to believe that any petroleum is being imported, transported, stored, distributed, produced, refined, blended or reclaimed by recycling otherwise than in accordance with the provisions of this Act and the rules made thereunder, and may seize, detain or remove all or any part of the petroleum in respect of which, in his opinion, an offence under this Act has been committed.

(2) Unless there is anything contained contrary in this Act, the provisions of the Code of Criminal Procedure shall be followed in conducting search under this Act.

(3) Subject to the provisions of sub-section (2), the procedure of exercising power by the officer authorised under this section shall be prescribed by rules.

24. Reports of accidents with petroleum.—Where any accident by explosion or fire, which is attended with loss of human life or serious injury to person or property, occurs as the result of the ignition of petroleum or petroleum vapour, or occurs in or near any place where petroleum is kept and under circumstances making it likely that it was the result of such ignition, the person for the time being in charge of the petroleum shall forthwith give necessary information to the nearest Magistrate or to the Officer-in-charge of the nearest police station and to the Chief Inspector of Explosives of the Department of Explosives.

25. Inquiries into serious accidents with petroleum.—(1) If any Magistrate has reason to believe that any person has been killed by an accident which was the result of the ignition of petroleum or petroleum vapour, the inquiry of such matter shall be held in accordance with the provisions of section 176 of the Code of Criminal Procedure.

(2) Any Magistrate empowered to hold inquest shall hold an inquiry into the cause of an accident mentioned in sub-section (1), which he has reason to believe that it was the result of the ignition of petroleum or petroleum vapour, if such accident was attended by serious injury to person or property, notwithstanding that no person was killed thereby.

(3) The result of every inquiry held in pursuance of this section shall, as soon as may be, submitted to the Government and the Chief Inspector of Explosives Department of Explosives.

26. Trial of offences.—Offences punishable under this Act shall be triable by a Metropolitan Magistrate or a Magistrate of the first class or second class.

27. Application of Code of Criminal Procedure.—Provisions of the Code of Criminal Procedure shall be applicable to filing of complaint, investigation, trial and disposal of appeal for offences committed under this Act.

CHAPTER VI

MISCELLANEOUS

28. Submission of report—The officer authorised under sections 10, 13 and 23 shall, in accordance with the provisions of these sections, furnish a copy of the report on the matter enquired into, or searched by him, to the Chief Inspector of Explosives of the Department of Explosives.

29. Application of this Act to other inflammable substances.—(1) The Government may, by notification in the official Gazette, apply any or all of the provisions of this Act, and of the rules made thereunder with such modifications as it may specify, to any dangerously inflammable substance, other than an explosive, and thereupon the provisions so applied shall have effect as if such substance had been included in the definition of petroleum.

(2) The Government may make rules providing specially for the testing of any substance to which any of the provisions of this Act have been applied by notification under sub-section (1) and such rules may supplement any of the provisions of Chapter IV in order to adapt them to the special needs of such tests.

30. To limit the powers of the local authorities.—Where any enactment confers powers upon any local authority in respect of the transport or storage of petroleum, the Government may, by notification in the official Gazette,—

- (a) limit the operation of such enactment, or
- (b) restrict the exercise of the powers, in any manner it may deem fit.

31. Power to make rules.—(1) The Government may, by notification in the official Gazette, make rules for carrying the purposes of this Act.

(2) Without prejudice to the generality of the power conferred under sub-section (1), such rules may, inter alia, provide for the following matters, namely :—

- (a) prescribing places where petroleum may be imported and prohibiting its import in any place other than the said places;
- (b) regulating the import, transport and distribution of petroleum;
- (c) prescribing the periods within which application for a licence for the import of class I petroleum shall be made, and providing for disposal, by confiscation or otherwise, of any class I petroleum in respect of which application for a licence has not been made within the prescribed period or has been refused and which has not been exported;
- (d) specifying the nature and condition of all receptacles and pipe-lines in which petroleum may be transported;
- (e) regulating the places at which and prescribing the conditions subject to which petroleum may be stored;
- (f) specifying the nature, situation and condition of all receptacles in which petroleum may be stored;
- (g) prescribing the form and conditions of licences for the import of class I petroleum, and transport or storage of all classes of petroleum, including the manner in which applications for such licences shall be made, fees to be paid and other relevant matters;
- (h) prescribing the provisions of obtaining a licence by consignor, consignee or the carrier of petroleum;

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- (i) making the provisions for issuing combined licences for the import, transport, storage and distribution of petroleum, or issuing any joint licence for any two of such purposes;
 - (j) prescribing the proportion in which any specified poisonous substance may be added to petroleum, and prohibiting the import, transport or storage of petroleum in which the proportion of any specified poisonous substance exceeds the prescribed proportion;
 - (k) prescribing the conditions for the appointment of agents, dealers and stockists, and issuing licences;
 - (l) providing for cancellation or restoration of any licence of an agent or a dealer and of agreement between an oil marketing company and an agent, dealer or stockist;
 - (m) providing for cancellation of contract between agent, dealer or stockist and oil marketing company and issue of licence to the agent or dealer and cancellation thereof;
 - (n) providing for any matter necessary for control over the import, transport, storage and distribution of petroleum;
 - (o) prescribing the conditions subject to which petroleum may be produced, refined, blended or reclaimed by recycling;
 - (p) prescribing the manner of removal of petroleum from places where it is produced, refined, blended or reclaimed by recycling and preventing the storage therein and removal therefrom, except class I petroleum of any petroleum which has not satisfied the tests prescribed by rules and imposing restriction on storage;
 - (q) prescribing the procedure of entry to, and inspection of, any place by an authorised officer;
 - (r) prescribing the procedure of collection of samples of petroleum for testing, payment for samples collected and entry, inspection and testing of an authorised officer;
 - (s) prescribing the procedure of the specification, verification, correction and replacement of the Standard Test Apparatus;
 - (t) prescribing fees and procedure for the inspection of the Standard Test Apparatus and for comparing any other test apparatus with such apparatus;

- (u) prescribing the form of certificate to be given in respect of a test apparatus so compared, and the period for which such certificates shall be valid and prescribing the form of the register of such certificates;
- (v) providing for the averaging of results where several samples of the same petroleum are tested, and prescribing the variations from standard temperatures which may be allowed;
- (w) testing of petroleum which is viscous or solid or contains sediment or thickening ingredients;
- (x) prescribing the form of certificates of tests of petroleum and the fees which may be charged therefor;
- (y) where the results of the testing of samples raise a doubt as to the uniformity of the quality of the petroleum in any lot under test, providing for the division of the lot into sub-lots, and for the selection and testing of samples of each sub-lot and for the averaging of results in accordance with the results of tests of those samples;
- (z) prescribing fees for re-tests and the procedure of their refund where the original test was erroneous;
- (za) regulating the functions of all officers performing duties in connection with the testing of petroleum and making provisions for any matter incidental to such testing.

(3) Rules made under this Act shall be subject to the previous publication.

32. Special powers to issue of directions.—The Government may, if necessary, issue any direction, not inconsistent with the provisions of this Act and rules made thereunder, to protect the citizens from danger caused by the process of import, transport, storage, distribution, production, refining, blend or reclaiming by recycling of petroleum and take all necessary measures in special circumstances for any area.

33. Removal of difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification in the official Gazette, subject to being consistent with the purposes of this Act, issue directions for clarification, explanation and necessary actions to be taken for the matters.

34. Publication of authentic English text.—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an English text of this Act to be called the Authentic English Text of this Act.

(2) In the event of conflict between the Bangla text and the English text, the Bangla text shall prevail.

35. Repeal and savings.—(1) The Petroleum Act, 1934 (Act No. XXX of 1934), hereinafter referred to as the repealed Act, is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1),—

- (a) any act done or action taken under the repealed Act shall be deemed to have been done or taken under this Act;
- (b) all cases filed or proceedings taken or any activity initiated under the repealed Act, if pending, shall be disposed of in such manner as if it had been filed or taken or initiated under this Act.
- (c) any contract, document or instrument made under the repealed Act shall continue as if it had been made under this Act.

(3) Notwithstanding such repeal, any rule or regulation made, notification issued, order, direction, approval and recommendation given under the repealed Act, remaining in force immediately before such repeal, shall, subject to not being inconsistent with any provision of this Act, be deemed to have been made, issued and given under this Act, and shall remain in force until expired or repealed or amended under this Act.

By the order of the President

Md. Anisur Rahman

Senior Secretary.