

THE PETROLEUM ACT  
ARRANGEMENT OF SECTIONS

PART I. *Preliminary*

1. Short title.
2. Interpretation.

PART II. *Vesting of Petroleum*

3. All petroleum in its natural state in strata vested in the Crown.
4. Control of certain operations relating to petroleum.

PART III. *The Petroleum Corporation of Jamaica*

5. Establishment of the Petroleum Corporation of Jamaica.
6. Functions of the Corporation.
7. Policy directions and guidelines.
8. Borrowing powers.
9. Advances, grants and guarantee of borrowings.
10. Repayment of, and interest on, advances and sums issued to meet guarantees.
11. Securities.
12. Reserve fund.
13. Accounts and audit.
14. Annual report and estimates.
15. [*Deleted by Act 28 of 2003, S. 2.*]
16. [*Deleted by Act 28 of 2003, S. 2.*]
17. Power to appoint secretary and other staff and agents.

PART IIIA. *The Petrocaribe Development Fund*

- 17A. Interpretation.
- 17B. Establishment of the Petrocaribe Development Fund.
- 17C. Functions of the Fund.

*PETROLEUM*

- 17D. Establishment of Board of Management.
- 17E. Policy directions.
- 17F. Payment into Fund.
- 17G. Issuance of Promissory Notes.
- 17H. Application of revenue.
- 17I. Power to invest moneys.
- 17J. Accounts and audit.
- 17K. Annual report.
- 17L. Exemption from income tax.

PART IV. *Miscellaneous*

- 18. Specified contractors.
- 19. General rights to enter land and carry on operations thereon.
- 20. Notice to owner and occupier of land, and security for compensation.
- 21. Compensation to owner and occupier of land.
- 22. [*Deleted by Act 36 of 1995, Sch.*]
- 23. [*Deleted by Act 36 of 1995, Sch.*]
- 24. [*Deleted by Act 36 of 1995, Sch.*]
- 25. [*Deleted by Act 36 of 1995, Sch.*]
- 26. Regulations.
- 27. Offences.
- 27A. Seizure of petroleum prior to conviction.
- 27B. Additional penalties.
- 28. Extension of laws of Jamaica to certain areas and vessels.

## SCHEDULES

THE PETROLEUM ACT

[15th June, 1979.]

PART I. *Preliminary*

Acts  
12 of 1979,  
12 of 1985  
Sch.,  
11 of 1990,  
16 of 1991  
S. 64,  
33 of 1991  
S. 22,  
36 of 1995  
Sch.,  
28 of 2003  
S. 2,  
16 of 2006.

1. This Act may be cited as the Petroleum Act.

Short title.

2. In this Act—

Interpretation.

“chairman” means the chairman of the Corporation;

“contractor” means any person, firm or entity with whom the Corporation has entered into any agreement for the exploration and development of petroleum resources and the refining, processing, marketing, trading, exporting or importing of petroleum or petroleum products;

“the Corporation” means the Petroleum Corporation of Jamaica established under this Act;

“debenture” includes debenture stock;

“development” means the drilling and completion of wells, the production of petroleum, and the carrying on of activities related thereto, after the discovery of petroleum;

“energy resource” means petroleum, oilshale, tarsand, coal of any form, peat and any other hydrocarbon resource, material or substance containing or capable of creating energy in any form;

“exploration” means search for petroleum by geological and geophysical methods, the drilling of a test well or wells to discover petroleum and the carrying on of other activities related to those activities;

“functions” includes powers and duties;

“oil” means crude petroleum oil and other liquid hydrocarbons, including liquid hydrocarbons known as distillate or condensate recovered or extracted from gas;

“passageway” means any highway, road, street, footpath, right of way, easement, or any installation of any railway, tramway, wireline, conveyor belt, cable way, chute, pipe, sewer, drain, tunnel, channel or duct;

“petroleum” means oil, natural gas or any other form of hydrocarbon substance but does not include coal or bituminous shale or any other stratified deposit from which oil can be extracted by destructive distillation;

“petroleum product” means any product derived from petroleum by any refining process;

“specified contractor” means any contractor declared under section 19 to be a specified contractor.

## PART II. *Vesting of Petroleum*

All petroleum in its natural state in strata vested in the Crown.  
33/1991  
S. 22.

3. There is hereby vested in the Crown all petroleum existing in its natural state in strata in Jamaica including the bed and subsoil of its territorial sea, its continental shelf and the exclusive economic zone.

Control of certain operations relating to petroleum.  
33/1991  
S. 22.

4.—(1) Subject to subsection (2), no person shall, except in accordance with the provisions of this Act and any regulations made thereunder—

- (a) explore or develop petroleum resources; or
- (b) acquire any right, title, interest or estate in any petroleum,

which is vested by section 3 in the Crown.

(2) Any exploration or development of petroleum resources or the acquisition of any right, title, interest or estate in any petroleum in the exclusive economic zone shall be subject to the provisions of the Exclusive Economic Zone Act or any order made under section 11 of that Act.

33/1991  
S. 22.

PART III. *The Petroleum Corporation of Jamaica*

5.—(1) There shall be established for the purposes of this Act a body to be called the Petroleum Corporation of Jamaica which shall be a body corporate to which section 28 of the Interpretation Act shall apply.

Establishment of the Petroleum Corporation of Jamaica.

(2) The provisions of the Schedule shall have effect as to the constitution of the Corporation and otherwise in relation thereto.

Schedule.

6.—(1) Subject to the provisions of subsections (2) and (3), the Corporation shall have the exclusive right to explore and develop the resources of petroleum which are vested by section 3 in the Crown.

Functions of the Corporation.

(2) Subject to the provisions of this Act the Corporation may, for the purposes of performing any of its functions under this Act, do anything and enter into any transaction which, in the opinion of the Corporation, is necessary to ensure the proper performance of its functions.

(3) In particular, and without prejudice to the generality of the provisions of subsections (1) and (2), the Corporation may—

- (a) either alone or in association with contractors, explore, develop and manage petroleum resources;

## PETROLEUM

- (b) enter into agreements or arrangements providing for the participation, assistance or co-operation of contractors in connection with the exploration, development or management of petroleum resources;
- (c) either alone or in association with contractors, acquire, construct, maintain, manage or operate any refining or processing facilities, marketing facilities or outlets of any kind and type, pipelines, tankers, trucks and other facilities for the transportation of petroleum and petroleum products, and any other facilities related to the processing, refining, storage, exchange, sale or distribution of petroleum and petroleum products;
- (d) either alone or in association with contractors, buy, sell, store, trade, barter, exchange, import and export petroleum and petroleum products; and
- (e) with the approval of the Minister, form subsidiary corporations under the Companies Act to carry on any of the activities which the Corporation has power under this Act to carry on.

(4) The term of any agreement or arrangement made pursuant to paragraph (b) of subsection (3) shall not exceed twenty-five years, but any such agreement or arrangement may be renewed for further terms, not exceeding twenty-five years in the case of each renewal.

(5) The Corporation shall—

- (a) promote an orderly and rational development of the petroleum resources of Jamaica;
- (b) endeavour to ensure that Jamaica receives the greatest benefits obtainable from the exploitation of its petroleum resources;

- (c) promote the training of Jamaican personnel in all aspects of the exploration, development and management of petroleum resources and of the processing, refining, storage, sale and distribution of petroleum and petroleum products;
- (d) promote the development in Jamaica of technology relating to the exploration, development and management of, petroleum resources and to the processing, refining, storage and distribution of petroleum and petroleum products;
- (e) endeavour to ensure the effective transfer to Jamaica of technology relating to the matters specified in paragraph (d);
- (f) ensure that operations in relation to the exploration and development of petroleum resources, and any other operations ancillary to those operations, are conducted in such a manner as to prevent and minimize accidents and to prevent adverse effects on the environment and other resources of Jamaica;
- (g) advise the Minister on all matters in respect of which he seeks from the Corporation advice in relation to exploration, development and management of petroleum resources and to the processing, refining, storage, marketing and importation of petroleum and petroleum products.

(6) The Minister may by order, which shall be subject to affirmative resolution, extend the functions of the Corporation to include such energy resources other than petroleum, as the order shall specify; and such order may contain such consequential or ancillary provisions as the Minister may consider necessary or desirable.

7.—(1) The Minister may, after consultation with the chairman, give to the Corporation directions of a general character as to the policy to be followed in the performance

Policy  
directions  
and  
guidelines.

of any of its functions in relation to matters appearing to him to concern the public interest and the Corporation shall give effect to any such directions.

(2) The Minister may from time to time issue for use by the Corporation, guidelines pertaining to substantive matters to be included in the agreements or arrangements described in paragraph (b) of subsection (3) of section 6.

Borrowing  
powers.

8.—(1) Subject to the provisions of subsection (2), the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Corporation to borrow in excess of such limits as the Minister responsible for finance may from time to time fix, shall be exercisable only with the approval of the Minister after consultation with the Minister responsible for finance as to the amount, source of borrowing and the terms on which the borrowing may be effected, and an approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances,  
grants  
and guar-  
antee of  
borrowing.

9.—(1) The Minister may from time to time make advances and grants to the Corporation out of moneys provided by Parliament for the purpose.

(2) With the approval of the House of Representatives the Minister responsible for finance may guarantee, in such manner and on such conditions as he thinks fit, the repayment of the principal and the payment of interest on any authorized borrowings of the Corporation made otherwise than by way of advance under subsection (1).

(3) Where the Minister responsible for finance is satisfied that there has been default in the repayment of any principal moneys or the payment of interest guaranteed under the provisions of this section he shall direct the re-

payment or, as the case may be, the payment, out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

10. The Corporation shall make to the Accountant-General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of advances made to the Corporation under subsection (1) of section 9 and of any sums issued in fulfilment of any guarantee given under that section, and payments of interests on any sum outstanding for the time being in respect of such advances and of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Repayment of, and interest on, advances and sums issued to meet guarantees.

11. The Corporation, with the approval of the Minister and the Minister responsible for finance—

Securities.

- (a) may create and issue stock including debentures and bonds, for the purpose of exercising its borrowing powers under section 8;
- (b) shall establish a sinking fund for the redemption of debentures so created;
- (c) may suspend sinking fund contributions for such period or periods of time and subject to such conditions as may be approved.

12.—(1) The Corporation shall establish and maintain a reserve fund to meet contingencies and for such other purposes as it may think fit.

Reserve fund.

(2) The management of the reserve fund, the sums to be carried from time to time to the credit thereof, the charges to be made against it and any other application of the moneys comprised therein shall be as the Corporation may determine.

Accounts  
and audit.

**13.**—(1) The Corporation shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which conforms with established accounting principles.

(2) The accounts of the Corporation shall be audited annually by an auditor or auditors appointed annually by the Corporation and approved by the Minister.

(3) The Auditor-General shall be entitled, on the general directions of the Minister, at all reasonable times to examine the accounts and other records in relation to the business of the Corporation.

Annual  
reports and  
estimates.  
11/1990  
S. 2.

**14.**—(1) The Corporation shall, in each year—

(a) on or before the 15th day of June, submit to the Minister a report of its activities during the twelve months ending on the 31st day of March in that year, including a statement of its accounts audited in accordance with the provisions of section 13;

(b) on or before the 15th day of January, submit to the Minister for his approval its estimates of revenue and expenditure for the financial year commencing on the 1st day of April of that year.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the Tables of the House of Representatives and of the Senate and to be published in the *Gazette*.

**15.** [*Deleted by Act 28 of 2003, S. 2*]

**16.** [*Deleted by Act 28 of 2003, S. 2*]

17.—(1) The Corporation may appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, a chief executive officer, a secretary and such other officers, agents and servants as it thinks necessary for the proper performance of its functions.

Power to appoint a chief executive officer, secretary and other staff and agents.

(2) The Governor-General may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of the Government to any office with the Corporation, and any public officer so appointed shall, in relation to pension, gratuity or other allowance, and in relation to other rights as a public officer, be treated as continuing in the service of the Government.

*PART IIIA. The Petrocaribe Development Fund*

16/2006  
S. 2.

**17A. In this Part—**

Interpretation.

“Board” means the Board of Management of the Fund, established under section 17D;

“Fund” means the Petrocaribe Development Fund established under section 17B;

“Minister” unless the context otherwise requires means the Minister responsible for finance;

“PDVSA” means *Petróleos de Venezuela S.A.*, the entity in Venezuela that supplies oil and petroleum products to Jamaica under the Petrocaribe Agreement;

“Petrocaribe Agreement” means the Energy Cooperation Agreement Petrocaribe between the Government of the Bolivarian Republic of Venezuela and the Government of Jamaica signed in Montego Bay, Jamaica on August 23, 2005 and any agreement in succession thereto.

17B.—(1) There is hereby established for the purposes of this Part, a body to be known as the Petrocaribe Development Fund which shall be a body corporate to which section 28 of the Interpretation Act shall apply.

Establishment of the Petrocaribe Development Fund.

Second  
Schedule.

(2) The provisions of the Second Schedule shall have effect as to the constitution of the Fund and otherwise in relation thereto.

Functions of  
the Fund.

**17C.** The Fund shall perform the functions of—

- (a) receiving—
  - (i) loan proceeds accruing to Jamaica under the Petrocaribe Agreement;
  - (ii) loan repayments from borrowers from the Fund; and
  - (iii) other proceeds which might accrue from the investments of the Fund;
- (b) financing projects and programmes in accordance with section 17H;
- (c) settling debt service obligations of Jamaica for the purchase of oil and petroleum products under the Petrocaribe Agreement or any other bilateral agreement or arrangement between Jamaica and the Bolivarian Republic of Venezuela.

Establishment  
of Board of  
Management.

**17D.—**(1) There shall be established for the purposes of this Part, a Board of Management of the Fund which shall, subject to the provisions of this Act, be responsible for—

- (a) the general management of the resources of the Fund within the guidelines established by the Minister;
- (b) the policy and general administration of the affairs of the Fund;
- (c) recommending to the Minister such projects and the programmes to be financed from the Fund, the purposes of which fall within section 17H;
- (d) investing the moneys of the Fund;
- (e) meeting the financial obligations of Jamaica under the Petrocaribe Agreement;

- (f) monitoring the implementation of projects financed by the Fund;
- (g) doing or causing to be done such other things as are necessary or expedient for or in connection with the proper performance of the functions of the Fund.

(2) The provisions of the Third Schedule shall have effect as to the constitution of the Board and otherwise in relation thereto. Third Schedule.

17E. The Minister shall give to the Board such directions of a general character as to the policy to be followed by the Board in the performance of its functions as he may consider necessary for the achievement of the following objectives— Policy directions.

- (a) developing the procedures necessary for—
  - (i) the operation of the Fund;
  - (ii) accessing resources from the Fund;
- (b) developing the terms and conditions for loans to be provided through the Fund;
- (c) ensuring the sustainability of the Fund by matching withdrawals against inflows to ensure that debt obligations under the Petrocaribe Agreement can be met from its resources when such debts become due; and
- (d) developing investment guidelines for the resources of the Fund.

17F.—(1) There shall be paid into the Fund— Payment into Fund.

- (a) such moneys as may from time to time be placed at its disposal for the purposes of this Act by Parliament;
- (b) moneys collected by way of loan proceeds accruing to Jamaica under the Peterocaribe Agreement;
- (c) all amounts which accrue from interest, loan repayments and other accretions to the Fund;

- (d) the amounts due to the Fund whether, as determined by the Minister, in—
  - (i) the currency of the United States of America; or
  - (ii) the equivalent amount in Jamaican currency converted at the current rate of exchange;
- (e) any other sum lawfully paid into, or credited to, the Fund.

(2) In this section “current rate of exchange” means the spot market weighted average selling rate of exchange for United States dollars published by the Bank of Jamaica on the relevant day.

Issuance of  
Promissory  
Notes.

**17G.**—(1) The Minister shall authorize the Corporation, the Fund or any other body authorized by the Minister to issue Promissory Notes to the Government of the Bolivarian Republic of Venezuela to secure the sums loaned to Jamaica under the Petrocaribe Agreement.

(2) Copies of Notes issued pursuant to subsection (1) shall be delivered to the Financial Secretary.

Application  
of revenue.

**17H.**—(1) The financial resources of the Fund shall be applied for the purposes authorized by this Act and, without prejudice to the generality of the foregoing, such financial resources shall, so far as practicable, be used—

- (a) to upgrade the social and physical infrastructure of Jamaica;
- (b) to implement projects which impact on the development of the human resources of Jamaica;
- (c) for the refinancing of Government of Jamaica domestic debt;
- (d) for projects relating to energy that are aimed at reducing the reliance of Jamaica on oil, and which promote the development of alternative sources of energy;
- (e) for projects designed to stimulate economic expansion

directly, through modernization and retooling of sectors which either earn or save foreign currency;

- (f) for the administration and management of the Fund;
- (g) for the grant of loans—
  - (i) subject to subsection (2), to public bodies that are self-financing; and
  - (ii) subject to subsection (4), to the Ministry responsible for finance and planning in order to finance projects undertaken by Government ministries, agencies and departments whose expenditures are financed by appropriations through the Budget; or
- (h) for other related purposes, on such terms and conditions as may be prescribed.

(2) A loan may be granted to a public body referred to in subsection (1)(g) upon application in writing by that body to the Fund and such application shall be supported in writing by the Ministry assigned responsibility for that body.

(3) The grant of such a loan shall be evidenced by an agreement in writing between the body referred to in subsection (1)(g) and the Fund.

(4) Projects referred to in subsection (1)(g)(ii) may qualify for financing from the Fund if they have the potential to generate savings or expand revenue inflows to the Government.

(5) In this section “public body” means a statutory body or authority or a government company.

**17L.** All moneys of the Fund not immediately required to be expended in meeting any of its obligations or discharging any of its functions may, with due regard to the level of inflows and debt service requirements, be invested in such interest bearing

Power to invest moneys.

securities in local and foreign currency as may be approved either generally or specifically by the Minister.

Accounts  
and audit.

**17J.**—(1) The Fund shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which complies with generally accepted accounting principles.

(2) The accounts of the Fund shall be audited annually by auditors appointed by the Fund.

(3) As soon as the accounts of the Fund have been audited, the Board shall send its audited financial statements to the Minister, together with a copy of any report thereon made by the auditors.

Annual report.

**17K.**—(1) The Board shall, within four months after the end of each financial year, cause to be made and shall submit to the Minister a report—

(a) dealing generally with the proceedings and activities of the Fund during the preceding financial year; and

(b) containing—

(i) a full statement showing the assets and liabilities of the Fund; and

(ii) the operational plans within which the Fund proposes to carry out its functions.

(2) The Minister shall cause a copy of the report, together with the audited annual financial statements to be laid on the Table of the House of Representatives and of the Senate.

Exemption  
from income  
tax.

**17L.** The income of the Fund shall be exempt from the payment of income tax.

PART IV. Miscellaneous

18. The Minister shall, as soon as is practicable after the Corporation has made an agreement or arrangement pursuant to paragraph (b) of subsection (3) of section 6, by order declare the contractor with whom that agreement or arrangement was made to be a specified contractor for the purposes of this Part.

Specified contractors.

19. Subject to the provisions of this Act the Corporation and any specified contractor shall have the right to enter any land and carry out thereon any operations connected with the exploration or development of petroleum resources.

General rights to enter land and carry out operations thereon.

20.—(1) The Corporation or a specified contractor shall not less than fourteen days before the Corporation or the contractor enters any land pursuant to section 19—

Notice to owner and occupier of land, and security for compensation.

(a) give to the owner and the occupier of the land notice of the intention so to do and of the operations which are intended to be carried out on the land;

(b) if so required by the owner, occupier, or the Minister, lodge with the Accountant-General such sum or give such security as the Minister may direct for the payment of any compensation which may be payable under section 21.

(2) Upon the termination of the operations in respect of which any sum was lodged or any security was given in accordance with a requirement under subsection (1), the person who lodged that sum or gave that security may apply in writing to the Minister for the refund of that sum or the balance thereof or for the release of that security, as the case may require, and the Minister may—

- (a) authorize the refund or release if he is satisfied that the refund or release should be made; or
- (b) refuse to authorize the refund or release until such time as he is satisfied that the refund or release should be made.

(3) The making of a refund or release under subsection (2) shall be without prejudice to any claim or proceeding for compensation under section 21 which has arisen or may arise against the person to whom the refund or release is made.

(4) Sums lodged under this section may be otherwise dealt with in such manner as may be prescribed.

Compensation to owner and occupier of land.

**21.—(1)** The Corporation or a specified contractor shall, upon the demand of the owner or occupier of any land on which the Corporation or that contractor has carried out, or is carrying out, operations pursuant to section 19, pay that owner or occupier fair and reasonable compensation for any disturbance of his surface rights and for any damage done to the surface of the land or to any live or dead stock, crops, trees, buildings or works as a result of those operations.

(2) The amount of compensation payable under subsection (1) shall be determined by agreement between the parties or, if the parties are unable to reach agreement, any of them may take proceedings in the Resident Magistrate's Court without limit of amount.

(3) If the compensation determined by agreement in accordance with subsection (2) is not paid, the owner or occupier may take proceedings in the Resident Magistrate's Court for an order for payment without limit of amount.

(4) The sum awarded by the Resident Magistrate, or when there has been an appeal, by the Court of Appeal, shall be paid by the person against whom the award was made to the person entitled to that sum, within fourteen days after the date of the award.

(5) Without prejudice to any other means of recovery if the sum awarded is not paid within the time specified in subsection (4) it may, on application to the Minister, be paid out of the sum, if any, lodged in accordance with section 20.

(6) The Minister may, by notice to any person who has failed to pay any sum awarded under this section, suspend the rights of that person to carry on operations on the land pursuant to section 19 until he pays that sum and lodges with the Accountant-General such further sum as the Minister may demand as security for any future compensation payable.

(7) Where it is not practicable, after reasonable enquiry, to ascertain the name or address of the owner or occupier of any land on which the Corporation or a specified contractor has carried out, or is carrying out, operations pursuant to section 19, the Corporation or that contractor, as the case may require, shall apply to the Resident Magistrate's Court for determination of the amount of compensation payable to that owner or occupier without limit of amount.

22. [*Deleted by Act 36 of 1995, Sch.*]

23. [*Deleted by Act 36 of 1995, Sch.*]

24. [*Deleted by Act 36 of 1995, Sch.*]

25. [*Deleted by Act 36 of 1995, Sch.*]

Regula-  
tions.

26.—(1) The Minister may make regulations generally for the proper carrying out of the provisions and purposes of this Act, and in particular, but without prejudice to the generality of the foregoing, may make regulations—

- (a) for ensuring safe construction, maintenance and operation of installations and facilities used in connection with operations in relation to petroleum resources, and for safe practices in the exploration and development of, those resources;
- (b) providing for the safety, health and welfare of persons employed in operations in relation to petroleum resources and generally for safety measures of all kinds;
- (c) for the prevention of pollution and the taking of remedial action in respect of any pollution which occurs;
- (d) for the inspection of areas in which operations in relation to petroleum resources are carried on and of any plant, machinery, installations and facilities within those areas;
- (e) for the reporting of, and inquiries into, accidents;
- (f) providing for the keeping and inspection of records, books, accounts, statistics and plans;
- (g) for the relinquishment of portions of areas to which agreements or arrangements made pursuant to paragraph (b) of subsection (3) of section 6 in respect of development of petroleum resources apply;
- (h) providing for the protection of fishing, navigation and other activities carried on within, or in the vicinity of areas in which operations in relation to petroleum resources are carried on;
- (i) providing for the making of reports and returns;

- (j) prescribing standards for petroleum and petroleum products and for the transportation of petroleum and petroleum products;
- (k) prescribing, subject to the provisions of subsection (2), the rates of royalties to be paid to the Government, the method of calculation of the amount of those royalties, and the manner and time of payment thereof;
- (l) prescribing the size of the area which may be allocated to any specified contractor for the purposes of exploration;
- (m) providing for the determination of the value of oil and natural gas after taking into account all relevant factors;
- (n) requiring the Corporation to submit to the Minister, at such times and in respect of such periods as the regulations shall specify, the investment programmes of the Corporation;
- (o) providing for the conservation of petroleum and other energy resources and the avoidance of unnecessary waste of such resources;
- (p) prescribing any other matter or anything which may be, or is required by this Act to be, prescribed.

(2) Regulations under this section may provide in respect of a breach of any of the provisions thereof that the offender shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

16/2006  
S. 3.

27.—(1) Any person who—

Offences.

- (a) unlawfully interferes with or obstructs the Corporation, any contractor or their servants or agents in the exercise of any right under this Act;
- (b) wilfully obstructs, hinders or assaults any other person in the exercise or execution of any right, power or duty under this Act; or

(c) contravenes any of the provisions of this Act, shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months, or to both such fine and imprisonment.

16/2006  
S. 4(b).

(2) The Minister may, by order, subject to affirmative resolution, amend the penalties specified in this Act.

16/2006  
S. 4(c).

Seizure of  
petroleum  
prior to  
conviction.  
16/2006  
S. 5.

**27A.** Where a constable has reasonable cause to suspect that petroleum resources are being or have been explored in contravention of this Act or any agreement or arrangement provided for under this Act, the constable may seize the petroleum and it shall be dealt with pursuant to section 27B or otherwise according to law.

Additional  
penalties.  
16/2006  
S. 5.

**27B.—(1)** Where any petroleum is seized pursuant to section 27A and any person is convicted in relation thereto of an offence under this Act or any regulations made hereunder, the Court may, in addition to imposing a fine, make an order—

- (a) for the sale or other disposal of the petroleum seized;
- (b) for the payment by that person to the Crown of an amount equal to the proceeds of the sale of petroleum so seized; or
- (c) upon the Court's assessment of the quantity of petroleum seized and the market value at the well-head, for the payment by the person to the Crown of—
  - (i) an amount equivalent to such market value assessed; or
  - (ii) such part of the market value assessed as the Court, having regard to all the circumstances, thinks fit.

(2) Where the Court is satisfied that an order made under subsection (1) (a) cannot, for any reason, be enforced, the Court may, upon the application of the person by whom the proceedings were brought, set aside the order and make either of the orders referred to in paragraphs (b) and (c) of that subsection.

(3) The Court may, before making an order under this section, require notice to be given to, and hear, such persons as the Court thinks fit.

**28. The laws of Jamaica extend—**

- (a) to the continental shelf;
- (b) to the exclusive economic zone;
- (c) to all artificial islands and other structures built on the areas mentioned in paragraphs (a) and (b), and any vessels stationed over those areas, for the purpose of exploring for or developing petroleum resources or removing or transporting therefrom any petroleum or petroleum product,

Extension  
of laws of  
Jamaica to  
certain  
areas and  
vessels.  
33/1991  
S. 22.

to the same extent as if the continental shelf and those areas, islands, structures or vessels (hereinafter referred to as the maritime extensions) were located in Jamaica; and for the purposes of the jurisdiction of any court in Jamaica any such maritime extension shall be treated as if it were located in the parish in which proceedings are brought.

## FIRST SCHEDULE

(Section 5)

Constitution  
of the Cor-  
poration.

1. The Corporation shall consist of such number of persons, not being less than five nor more than twelve, as the Minister may from time to time determine.

Appoint-  
ment of  
members.

2. The members of the Corporation shall be appointed by the Minister by instrument in writing and, subject to the provisions of this Schedule, shall hold office for such period, not exceeding two years, as the Minister may direct, but shall be eligible for reappointment.

Chairman.

3. The Minister shall appoint one of the members of the Corporation to be the chairman thereof.

Leave of  
absence.

4. The Minister may grant to any member of the Corporation leave of absence in respect of his duties as a member of the Corporation.

Acting  
appoint-  
ments.

5. If the chairman or any other member of the Corporation is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member.

Resigna-  
tions.

6.—(1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of that instrument, that member shall cease to be a member of the Corporation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and such resignation shall take effect as from the date of receipt by the Minister of that instrument.

Revocation  
of appoint-  
ments.

7. The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do.

Gazetting of  
appoint-  
ments.

8. The names of all members of the Corporation as first constituted and every change in membership thereof shall be published in the *Gazette*.

Seal, and  
execution  
of docu-  
ments.

9.—(1) The seal of the Corporation shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Corporation in the presence of the chairman, or any other member of the Corporation, and the secretary.

(2) The seal of the Corporation shall be authenticated by the signatures of the chairman, or any other member authorized to act in that behalf, and the secretary.

(3) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the

hands of the chairman, or any other member authorized to act in that behalf, and the secretary.

10.—(1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Corporation may determine.

Procedure  
and  
meetings.

(2) The chairman may at any time call a special meeting of the Corporation and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Corporation.

(3) The chairman shall preside at all meetings of the Corporation at which he is present, and in the case of his temporary absence the members present and constituting a quorum shall elect a chairman from among their number to preside at the meeting.

(4) The quorum of the Corporation shall be such number as the Minister may from time to time determine, but shall not be less than one-half the total number of members of the Corporation.

(5) The decisions of the Corporation shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Corporation shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(7) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

(8) Subject to the provisions of this Schedule, the Corporation may regulate its own proceedings.

11.—(1) The Corporation may delegate to any member or committee thereof such of the functions of the Corporation as the Corporation may decide.

Power to  
delegate.

(2) Every delegation under this paragraph shall be revocable by the Corporation and no delegation shall prevent the exercise by the Corporation of any function delegated.

12. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation—

Disclosure  
of interest.

- (a) shall disclose the nature of his interest at a meeting of the Corporation; and
- (b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

Protection of members.

13.—(1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operation of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

Remuneration of members.

14. There shall be paid from the funds of the Corporation to the chairman and other members of the Corporation such remuneration whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Office of member not a public office.

15. The office of the chairman or member of the Corporation shall not be a public office for the purpose of Chapter V of the Constitution of Jamaica.

## SECOND SCHEDULE

(Section 17B(2))

### *The Petrocaribe Development Fund*

Seal and execution of documents.  
16/2006  
S. 6(b).

1.—(1) The seal of the Fund shall be kept in the custody of the chairman or of any officer of the Fund authorized by the Board in that behalf, and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman or any other member duly authorized to act in that behalf, and the secretary.

(2) The seal of the Fund shall be authenticated by the signature of the secretary or any other member of the Board duly authorized to act in that behalf.

Appointment and employment of officers.

2.—(1) Subject to sub-paragraph (2), the Fund shall appoint and employ at such remuneration and on such terms and conditions as it thinks fit such officers and employees as it thinks necessary for the proper carrying out of the provisions of this Act.

(2) The Fund shall act in accordance with such guidelines in

relation to emoluments payable to the staff of public bodies, as are issued from time to time by the Minister responsible for the public service.

3. All documents, other than those required by law to be under seal, made by, and all decisions of, the Fund may be signified under the hand of the chairman or any member of the Board authorized to act in that behalf or an officer of the Fund so authorized. Documents to be signified.

4. The expenses of the Fund (including the remuneration of the staff thereof and members of the Board) shall be defrayed out of the financial resources of the Fund. Expenses of Fund.

THIRD SCHEDULE (Section 17D(2))

*The Board of Management of the Fund*

1. The Board shall consist of such number of members being not less than five nor more than nine as the Minister may from time to time appoint including— Constitution of the Board.

- (a) the following persons who shall be *ex-officio* members—
  - (i) the Permanent Secretary of the Office of the Prime Minister or his nominee;
  - (ii) the Secretary to the Cabinet or his nominee;
  - (iii) the Permanent Secretary of the Ministry with responsibility for energy or his nominee;
  - (iv) the Chief Executive Officer of the Corporation;
  - (v) the Financial Secretary;
  - (vi) the Director General of the Planning Institute of Jamaica;
- (b) such other persons who appear to the Minister to have ability and experience in matters relating to the activities of the Fund (hereinafter referred to as "selected members").

2.—(1) The Minister shall appoint—

- (a) the Financial Secretary to be chairman of the Board; and
- (b) a deputy chairman from among the other members.

Chairman and deputy chairman.

(2) In the case of the absence or inability to act of the chairman, the deputy chairman shall exercise the functions of the chairman.

(3) In the case of the absence or inability to act at any meeting of

both the chairman and the deputy chairman, the remaining members shall elect one of their number to act as chairman of that meeting.

Term of office.

3. Subject to the provisions of this Schedule, a selected member of the Board shall hold office for a period not exceeding three years and each such member shall be eligible for re-appointment.

Acting appointments.

4. The Minister may appoint any person to act in the place of any member of the Board in the case of the absence or inability to act of such member.

Resignation.

5. A selected member of the Board may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument, such member shall cease to be a member of the Board.

Revocation of appointments.

6. The Minister may at any time revoke the appointment of a selected member if he considers it expedient so to do.

Gazetting of appointments.

7. The names of all members of the Board as first constituted and every change in membership thereof shall be published in the *Gazette*.

Leave of absence.

8.—(1) The Minister may, on the application of any selected member of the Board, grant leave of absence to such member.

(2) The appointment of a selected member shall be regarded as terminated if, without the grant of leave of absence, that member is absent from three consecutive meetings of the Board.

Procedure and meetings.

9.—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of business (but at least six meetings shall be held within each financial year) and such meetings shall be held at such places and times and on such days as the Board shall determine.

(2) The chairman may at any time call a special meeting of the Board to be held within seven days of a written request for the purpose addressed to him by any two members of the Board.

(3) The chairman or, in the case of the absence or inability to act of the chairman, the deputy chairman or the person elected to act as chairman in accordance with paragraph 2(3) shall preside at the meetings of the Board, and when so presiding the chairman, deputy chairman or the person elected as aforesaid to act as chairman, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Board shall be one-half the number of the membership.

(5) The decisions of the Board shall be by a majority of votes and, in

addition to an original vote, the chairman or other member presiding at the meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Board shall be kept.

(7) Subject to the provisions of this Schedule the Board may regulate its own proceedings.

10. A member of the Board who is directly or indirectly interested in any matter which is being dealt with by the Board shall— Disclosure of interest.

- (a) disclose the nature of his interest at a meeting of the Board; and
- (b) not take part in any deliberation or decision of the Board with respect to that matter.

11.—(1) The Board may appoint such committees as it thinks fit, consisting wholly or partly of members of the Board and may delegate to such committees such of the Board's functions as it thinks fit. Appointment of committees.

(2) A delegation under subparagraph (1) shall not prevent the exercise by the Board of any function so delegated.

12. There shall be paid to the chairman and each member of the Board such remuneration, if any (whether by way of honorarium, salary or fees) and such allowances as the Minister may determine. Remuneration of directors.

13. No act done or proceeding taken under this Act by the Board shall be questioned on the ground of— Protection of office.

- (a) the existence of any vacancy in the chairmanship of, or any defect in the constitution of, the Board; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

14.—(1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the Board. Protection of members of Board.

(2) Where any member of the Board is exempt from liability by reason only of the provisions of this paragraph, the Fund shall be liable to the extent that it would be if that member were an employee or agent of the Fund.

15. The office of a selected member of the Board shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica. Office of member not public office.