

THE OILFIELDS ACT.

[BURMA ACT I, 1918.] (1st January, 1919.)

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

- (a) "flowing well" means a well from the mouth of which oil or gas or both flow continuously or intermittently without artificial stimulus, and includes a pumped well from the mouth of which oil or gas or both flow occasionally without artificial stimulus ;
- (b) "gas" means natural gas whether in association with natural petroleum in a liquid or solid state or not ;
- (c) "notified oil-field" means an area declared to be a notified oil-field under section 3 ;
- (d) "oil" means natural petroleum and includes crude oil, refined oil, partially refined oil and any of the products of petroleum in a liquid or solid state ;
- (e) "operator" means and includes any person who holds a mining lease, prospecting licence or grant entitling him to win natural petroleum or natural gas, or any sub-lease of such lease, licence or grant, or any share or interest in such lease, licence or grant, other than a share in a company incorporated by or under the law of the Union of Burma or India or Pakistan or the United Kingdom, and any person under whose control operations for the winning of oil or gas are conducted ;
- (f) "waste" includes waste in the utilization of oil or gas, underground waste and surface waste ;
- (g) "well" means an excavation or boring made in the ground for the purpose of extracting oil or gas or both.

3. The President of the Union may, by notification, declare any area to be a notified oil-field for the purposes of this Act and may define the limits of such area.

Power to define and alter limits of notified oil-fields.

4. (1) The President of the Union may, by notification, (a) appoint a person or persons to be called Wardens to perform such duties and exercise such powers as may be assigned to them by or under this Act, and (b) define the local limits of any Warden's jurisdiction.

Appointment of officers to carry out the purposes of the Act.

(2) It shall be the duty of a Warden to regulate within his jurisdiction all operations for the winning of oil and gas with a view to preventing waste of oil and gas and damage to accumulations of oil and gas by the infiltration of water or other causes.

(3) The President of the Union may, by notification, appoint Assistant Wardens to assist any Warden in performing his duties and exercising his powers in any specified area within the local limits of his jurisdiction.

(4) The President of the Union may, by notification, confer on Assistant Wardens all or any of the powers or impose upon them all or any of the duties of a Warden under this Act, subject to such conditions and restrictions, if any, as he may deem fit. Such notification may be general or may refer to a particular Assistant Warden only.

Tax on steam-boilers consuming oil-fuel.

5. The President of the Union may, by notification, declare that all steam-boilers or engines consuming oil-fuel other than oil on which royalty or import duty has been paid, or gas from which gasoline has not been extracted, in such areas as may be defined by the notification, shall be subject to the payment of a tax at such rate as may be specified in the notification.

Enquiry into accidents.

6. A Warden or Assistant Warden may hold an enquiry into any occurrence connected with or subsidiary to any operations for the winning of oil or gas or both and shall for the purposes of conducting such enquiry have all the powers which a Magistrate would have in holding an enquiry into an offence under the Code of Criminal Procedure.

Inapplicability of section 556 of Code of Criminal Procedure to trials of offences against this Act.

7. The Warden or Assistant Warden shall not be deemed, within the meaning of section 556 of the Code of Criminal Procedure, to be a party to or personally interested in any prosecution for any offence under this Act or any rule made thereunder.

Indemnity for acts done in good faith.

8. No suit or criminal prosecution shall lie against any public servant for anything done or in good faith intended to be done under this Act.

Government not liable for loss or damage.

9. The Government shall not be responsible for any loss or damage which may occur owing to any action taken in good faith by any public servant under this Act.

Persons empowered by rules under section 13 (2) (b) to be deemed public servants.

10. Every person empowered by any rules made under section 13, subsection (2), clause (bb), to do any act shall in that behalf for the purposes of Chapter X of the Penal Code be deemed to be a public servant within the meaning of section 21 of the said Code.

Appeals and revisions.

11. (1) Appeals from orders of the Warden or of an Assistant Warden under this Act shall lie in such cases, to such officers, and subject to such limitations as to time and other conditions, as the President of the Union may by rule prescribe.

(2) The Financial Commissioner shall have power to call for and revise any order passed by a Warden or an Assistant Warden under this Act or an order passed in appeal against such an order: Provided that he shall not reverse or modify any order affecting any question of right between private persons without giving those persons an opportunity of being heard.

(3) Save as provided by this section, an order passed under this Act shall be final and shall not be liable to be contested by suit or otherwise.

12. In any notified oil-field to which the President of the Union may by notification apply this section, whoever has in his possession or conveys in any manner anything which may reasonably be suspected to be stolen property, as defined under section 410 of the Penal Code, shall, if he fails to account satisfactorily for his possession of the same, be punished with imprisonment which may extend to three months, or with fine, or with both.

Punishment for possession or conveyance of property believed to be stolen.

12A. (1) The Warden may, by notice publicly promulgated or addressed to individuals,—

Power to give prohibition for prevention of disorder.

(a) prohibit the carrying of *das* of a kind exempted from the provisions of the Arms Act, bludgeons, loaded-sticks, hunting crops, clasp-knives of a specified size, or other offensive instruments, in any public place within a notified oilfield or within any specified area within a notified oilfield ;

(b) whenever and for such time as he shall consider necessary for the preservation of the public peace or safety, prohibit within any notified oilfield or within any specified area within a notified oilfield—

- (i) the carrying, collection and preparation of stones or other missiles or instruments or means of casting or impelling missiles ;
- (ii) the public exhibition of persons or of corpses, or figures or effigies ;
- (iii) the public utterance of cries, singing of songs, playing of music ; and
- (iv) the delivery of harangues, the use of gestures or mimetic representations and the preparation, exhibition or dissemination of pictures, symbols, placards or of any object or thing, when such action, object or thing may be of a nature to outrage morality or decency or, in the opinion of the Warden, may probably inflame religious animosity or hostility between different classes, or incite to the commission of an offence, to a disturbance of the public peace or to resistance to or contempt of the law or of a lawful authority.

(2) Whoever contravenes a prohibition under this section shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Penalty for contravention of a prohibition.

13. (1) The President of the Union may make rules for regulating all matters connected with or subsidiary to any operations for the winning of oil or gas or both.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) define the powers and duties of a Warden ;
- (b) direct that any of the powers or duties assigned by this Act or any rule thereunder to the President of the Union shall be exercised or performed, subject to such conditions as may be imposed, by the Financial Commissioner or the Warden ;
- (c) provide for the appointment by operators of responsible local representatives and officers and for the duties to be carried out by such representatives and officers ;
- (d) provide for the maintenance by operators of records of all matters relating to the drilling, re-drilling, deepening, shutting down, plugging or abandoning of all wells and for the inspection of such records, and for the supply of copies or abstracts of such records to the Warden ;
- (e) prescribe the maintenance by operators of records relating to the production of oil, gas or water from all wells and for the inspection of such records or the supply of copies or abstracts of such records to the Warden ;
- (f) prescribe the submission by operators of records, reports and statistics relating to any other technical matter connected with or subsidiary to any operations for the winning of oil or gas or both, or the provision of facilities for the inspection of such records by the Warden or his representative at the offices of operators ;
- (g) provide for the prevention of waste of oil or gas ;
- (h) provide for the detection of the presence of water in wells and for the prevention of the influx of water into oil and gas sands ;
- (i) for the purpose of preventing waste of oil or gas or damage to oil or gas sands by water or other causes, provide for the regulation of the drilling, re-drilling, deepening, shutting down, plugging and abandoning of wells and for the limitation or prohibition of such operations and for the taking of remedial measures ;
- (j) for the purposes of preventing waste of oil or gas or damage to oil and gas sands by water or other causes, provide for the regulation of the methods of producing oil or gas and for the limitation or prohibition of such methods and for the taking of remedial measures ;
- (k) provide for measurement of oil and gas for the assessment of royalty or of any tax ;
- (l) provide for the conveyance of oil and gas to the place of measurement ;
- (m) provide for the prevention of the removal of oil or gas without measurement ;
- (n) provide for the recovery of any royalty or tax ;

- (o) regulate the rights of ingress or egress to and from any well-sites, and the right to transport materials, tools or machinery or to lay pipes or wires above or below ground across any well-sites ;
- (p) regulate or prohibit all access to any area in which operations for the winning or subsidiary to the winning of oil or gas or both are carried on ;
- (q) provide that no article or no specified class of article shall be removed from any area in which operations for the winning of oil or gas or both or subsidiary thereto are carried on without a pass in the prescribed form ;
- (r) provide for the issue, production and surrender of such passes ;
- (s) prescribe the manner in which persons owning wells or well-sites shall demarcate such wells or well-sites and provide for the preservation of the demarcation marks prescribed ;
- (t) prescribe the manner in which hand-dug wells shall be protected ;
- (u) provide for the reporting of fires, accidents and other occurrences ;
- (v) prescribe the precautions which operators and their employees shall take so as not to interfere with neighbouring operators or their employees or with lines of communication ;
- (w) regulate or prohibit the use of naked lights and of lamps other than those of a prescribed description or pattern ;
- (x) regulate or prohibit smoking and the use or possession of matches ;
- (y) regulate or prohibit the use of forges and open fires ;
- (z) regulate or prohibit all or any kind of work by night ;
- (aa) regulate or prohibit the use of steam-boilers ;
- (bb) provide for the institution and regulation of fire-brigades, voluntary or otherwise ;
- (cc) prescribe and regulate the use of lightning conductors ;
- (dd) prescribe the use of fire-extinguishing apparatus ;
- (ee) prescribe the procedure to be adopted when a fire breaks out ;
- (ff) provide for the compulsory cessation or limitation of operations of any kind in order to prevent or limit the spread of fires ;
- (gg) provide for the construction of gate-valves or stop-cocks on flowing wells and their closure on an alarm of fire being given ;
- (hh) provide for the maintenance of fire-lines ;
- (ii) regulate the collection and disposal of oil and gas ;
- (jj) regulate or prohibit the use of oil-tanks ;
- (kk) regulate the position of pipes for the conveyance of oil and provide for the laying of such pipes underground where necessary ;
- (ll) prescribe the method of dealing with flowing wells ;
- (mm) provide for the prohibition within or removal from any area of any construction which might in the opinion of the Warden cause danger or inconvenience ;
- (nn) regulate the construction of any rig, derrick, engine-house or similar construction ;

- (oo) regulate the use of engines and machinery ;
- (pp) prescribe the use of guards on machinery ;
- (qq) prescribe the provision and use of safety belts or appliances ;
- (rr) prescribe the provision and use of safety appliances in connection with the descent of persons in hand-dug wells ;
- (ss) prescribe the cases in which, the authorities to whom, and the limitations as to time and other conditions subject to which, an appeal shall lie from an order passed by the Warden or by an Assistant Warden under this Act :

Provided that rules made under clause (p) shall not interfere with the rights of access to land belonging on the 1st August, 1933, to the site and curtilage of any monastery, pagoda or other sacred building, and continuing to be used for the purpose of such monastery, pagoda or other sacred building.

(3) The President of the Union may, by rule, attach to the breach of any rule under this section any punishment not exceeding a fine of five hundred rupees, and, if fraudulent intention is proved or actual injury or damage to person or property ensues, any punishment not exceeding imprisonment for a term of six months, or a fine of one thousand rupees, or both.

(4) The President of the Union may also, by rule, attach to the breach of any rule under clauses (g), (h), (i), (j), (k), (l), (m), (w), (x), (y), (dd), (ee), (ff), (ii), (jj) and (ll) of sub-section (2) the penalty of forfeiture of any grant, lease or licence for the winning of oil or gas or both held by the offender or his employer from Government and of forfeiture of any grant, lease or licence of the area in or on which the offence has been committed.

(5) The Warden may define the limits within which all or any of the rules made under clause (u) and clauses (w) to (rr) of sub-section (2) of this section shall apply.

Previous publication, etc., of rules.

14. (1) The power to make rules conferred on the President of the Union by section 13 shall be subject to the condition of the rules being made after previous publication.

(2) All rules made under this Act shall be published in the Gazette and shall thereupon have effect as if enacted in this Act.

Exclusion of jurisdiction of Revenue-officers in certain cases.

15. Notwithstanding anything contained in the Land and Revenue Act, or in the Upper Burma Land and Revenue Regulation, or in this Act, a Revenue-officer shall not exercise jurisdiction over any of the following matters, which shall be cognizable exclusively by a civil Court, namely :--

Any claim as between private persons to the ownership or possession of any well or well-site, whether situate on State or other land, or to establish any lien upon or other interest in any such well or well-site or the rents, profits or produce thereof.