

L.N. 99 of 1965

HYDROCARBON OIL REFINERIES ACT 1965, No. 17

Hydrocarbon Oil Refineries Regulations 1965

Commencement : 30th June 1965

In exercise of the powers conferred by section 28 (1) of the Hydrocarbon Oil Refineries Act 1965, and of all other powers enabling me in that behalf, I hereby make the following regulations—

1. These regulations may be cited as the Hydrocarbon Oil Refineries Regulations 1965, and shall apply throughout the Federation. Citation.
2. In these regulations unless the context otherwise requires—"refiner" means a refiner of hydrocarbon oils. Definition.
- 3.—(1) Every application for a licence to refine hydrocarbon oils shall be made to the Board in such form and manner as the Board may direct and shall include a description of the process and of all plant, tanks, vessels and pipes intended to be used in the refining of hydrocarbon oils and such other particulars as the Board may require together with drawings distinctly showing the location and identifying marks and/or numbers of all plant, tanks and vessels and the course and use of all fixed pipes. Application for refiner's licence.
 (2) The Board may approve such processes, plant, tanks, vessels and pipes and subject to the acceptance of a bond security and such other conditions as it may specify may issue a licence in the form prescribed in the Schedule of these regulations to refine hydrocarbon oils in the approved bonded premises.
- 4.—(1) No person shall begin to refine hydrocarbon oils until he has made entry, in accordance with the provisions of the excise laws, of the refinery, plant, tanks, vessels and pipes intended for the storage, refining and other processes associated therewith, of hydrocarbon oils. Entry of premises.
 (2) Every entry shall be accompanied by a plan in quadruplicate of the premises, plant, tanks, vessels and pipes to which the entry relates.
5. Every refiner shall affix and maintain to the satisfaction of the Board in a conspicuous position outside his refinery a signboard showing the name, or if that name is different from the business name, the business name of the refiner and a statement that he is the holder of a refiner's licence. Signboard.
6. All plant, tanks and vessels in a refinery shall be so installed, positioned and arranged as to admit at all times of the working or of the contents to be accurately and conveniently checked, gauged or measured by the proper officer, and shall not be altered in shape, position or capacity without the prior approval of the Board. Installation of plant, etc.
7. A refiner shall not vary any process or alter, move, add to or use in any way otherwise than in accordance with the prescribed conditions, the plant, tanks, vessels or pipes unless he has given prior written notice in that behalf to the proper officer, and has delivered to him such further drawings or particulars as may be required, and has obtained the Board's written approval of all such variations, alterations or additions, and made fresh entry if so directed, Varying of process, plant, etc.

Deficiency
in stock
of oils.

8. If at any time when an account is taken by the proper officer and a balance is struck any deficiency in the stock of oils is found which cannot be accounted for to the satisfaction of the Board, the quantity of such deficiency shall be deemed to have been delivered for home use and, subject to the Board's discretion in any particular case, duty shall be charged on the quantity deficient.

Basis of
Assessment
of quanti-
ties.

9.—(1) Quantities of hydrocarbon oils shall be assessed in bulk imperial gallons irrespective of temperature.

(2) Where for calculation of losses in a refinery, conversion of quantities from ambient temperature is required, ASTM-IP Petroleum Measurement Tables British Edition (British Imperial Units of measurement) shall be used for such calculations and such conversions shall be determined at a temperature of sixty degrees Fahrenheit.

(3) In the event of any discrepancy between the quantity found by the proper officer and the quantity declared by the refiner, the higher quantity shall be taken for charge of excise duty.

Ascertain-
ment of
quantities.

10. The method used by the refiner for ascertaining the quantities of hydrocarbon oils delivered or contained in tanks or other vessels shall be subject to the approval of the Board and the approval shall be subject to such conditions as the Board may prescribe. In particular, the refiner shall comply with the following conditions :—

(1) appropriate calibration tables of the tanks and every vessel intended for the storage of oils shall be provided by the refiner ;

(2) where meters are used the refiner shall—

(a) provide such descriptions and drawings of the patterns of the meters,

(b) comply with such conditions required for the security of the meters, and

(c) maintain such records of the disposition of the meters as the Board may prescribe ;

(3) where automatic tank gauges or equivalent equipment is used the refiner shall—

(a) provide such descriptions and drawings of the type and the method of operation of the gauges or equipment,

(b) comply with such conditions required for the security of the gauges or equipment as the Board may prescribe.

Importation
of feed-
stocks and
blendstocks.

11. Hydrocarbon oils imported in accordance with the customs and excise laws for use as feedstocks or blendstocks in the refining and other associated processes, shall on receipt be removed immediately to storage tanks or vessels within the bonded refinery premises.

Records.

12. Every refiner shall keep in such manner as the Board may direct, records and accounts of all hydrocarbon oils received into, stores in, or delivered from the plant, tanks and vessels within the refinery premises.

Returns.

13. Every refiner shall render such returns as the Board may prescribe and in such form and manner as the Board may approve.

Excise duty.

14.—(1) The excise duty in respect of excisable hydrocarbon oils shall be charged, secured and paid in accordance with the following provisions—

(a) excisable hydrocarbon oils shall become liable to duty immediately on refining ;

(b) the duty shall become due and payable immediately on refining, provided that the Board may, in its discretion, direct that the duty may be deemed to become due and payable at a stage not later than the delivery of the oils from the bonded refinery premises ;

(c) the duty shall be calculated at the rate or rates in operation at the time of the refining of the oils concerned, but in respect of oils legally delivered from the bonded refinery premises, the duty shall be calculated at the rate or rates in operation at the time of such delivery ;

(d) the duty shall be calculated at the rate or rates prescribed for the quantity or value of hydrocarbon oils refined but if, in the opinion of the Board, a larger quantity or value of any particular oil should have been assessed having regard to the quantity or value of materials used, duty shall be calculated on such larger quantity or value ;

(e) whenever the Board so requires, a refiner shall make a cash deposit or enter into a bond in such sum as the Board may decide for the payment of duty when due and for his compliance with the customs and excise laws generally before the commencement of refining.

(2) The Board may impose on a refiner such conditions including the dates on which payments of duty are to be made as it may consider appropriate.

15. The Board may, subject to such conditions as it may deem fit to impose, allow excisable hydrocarbon oils to be delivered from the bonded premises of a licensed refiner for exportation, loading as aircraft or ship stores, removal to a bonded hydrocarbon oil warehouse or for approved use in Nigeria in accordance with the customs and excise laws, without payment of the excise duty thereon.

Duty-free delivery.

SCHEDULE

(Reg. 3 (2))

CUSTOMS AND EXCISE NIGERIA

Form Ex. 9

HYDROCARBON OIL REFINER'S LICENCE

No.19.....

Pursuant to section 1 of the Hydrocarbon Oil Refineries Act 1965, and the Regulations made thereunder,

.....
(Name of Hydrocarbon Oil Refiner)

whose *Registered/Head Office is at

.....
*is/are hereby licensed as a Refiner of Hydrocarbon Oils on *his/their premises at

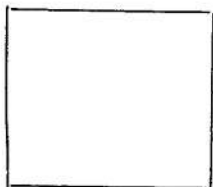
under Excise Factory No., subject to the following conditions.

- (1) The licensee shall comply with the provisions of the excise laws relating to the refining of hydrocarbon oils and any conditions prescribed by the Board under those laws.
- (2) The licensee shall display this licence in a conspicuous place at *his/their licensed premises.
- (3) This licence is not transferable.
- (4) This licence expires on 31st December, 19..... but may at any time be revoked in accordance with the provisions of the excise laws.
- (5) Special conditions (if any)

Fee of £250 (two hundred and fifty pounds) paid on Customs and Excise

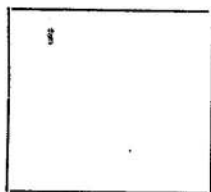
Receipt No. of

DATED at this day of 19.....



.....
for the Board

This licence is accepted by *me/us subject to the conditions stated hereon.



.....
Licensee

* Delete where inapplicable.

MADE at Lagos this 31st day of August, 1965.

(206/17/32)

F. S. OKOTIE-BOH,
Minister of Finance