



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

N\$0.94

WINDHOEK - 8 October 1997

No. 1700

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 198

1997

PROMULGATION OF ACT OF PARLIAMENT

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 11 of 1997: Petroleum (Exploration and Production) Amendment Act, 1997.

PETROLEUM (EXPLORATION AND PRODUCTION) AMENDMENT ACT, 1997

EXPLANATORY NOTE:

- Words underlined with a solid line indicate insertions in existing provisions.
- [] Words in bold type in square brackets indicate omissions from existing provisions.

ACT

To amend the Petroleum (Exploration and Production) Act, 1992, so as to empower the Minister of Mines and Energy to exempt holders of exploration or production licences from any one or more of the provisions of section 38(2), and to make regulations relating to the health, safety and welfare of persons employed or performing work, at or in the vicinity of exploration and production areas, and for the protection of other persons, property, structures, the environment and natural resources; and to provide for matters incidental thereto.

(Signed by the President on 22 September 1997)

BE IT ENACTED by the Parliament of the Republic of Namibia as follows:-

Amendment of section 1 of Act 2 of 1991

1. Section 1 of the Petroleum (Exploration and Production) Act, 1991 (hereafter referred to as the principal Act) is hereby amended by the insertion after the definition of "reconnaissance operations" of the following definition:

"'this Act' includes the regulations made under section 76A.".

Amendment of section 38 of Act 2 of 1991

2. Section 38 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

"(2A) The Minister, in consultation with the Minister of Fisheries and Marine Resources and the Minister of Environment and Tourism, may for such period and on such conditions as may be determined by him or her -

- (a) by notice in the *Gazette* exempt holders of exploration licences generally; or
- (b) upon an application in writing by any holder of a licence in such form as may be determined by the Minister, by notice in writing exempt any such holder in any particular case,

from any one or more of the provisions of subsection (2).".

PETROLEUM (EXPLORATION AND PRODUCTION) AMENDMENT ACT, 1997**Insertion of section 76A in Act 2 of 1991**

3. The following section is hereby inserted in the principal Act, after section 76:

"Regulations

76A. (1) The Minister, in consultation with the Minister of Fisheries and Marine Resources and the Minister of Environment and Tourism, may make regulations relating to -

- (a) the health, safety and welfare of persons employed or performing work in exploration and production areas;
- (b) the protection of persons, property, the environment and natural resources in, at or in the vicinity of exploration and production areas;
- (c) any movable or immovable structure, including a vessel, situated within Namibia on land or in or on any waters, whether onshore or offshore, constructed for and used in connection with exploration or production operations;
- (d) the creation of safety zones in relation to structures referred to in paragraph (c) and the measures to be taken in the case of the violation of such safety zones, including the boarding or entering of any aircraft, ship, vessel or boat or transport facility or other physical measures by any person;
- (e) any inquiry referred to in section 4(1)(i) and such other inquiries which the Minister deems necessary or expedient to achieve the objectives of this Act;
- (f) any matter which the Minister deems necessary or expedient in order to achieve the objectives of this Act, the generality of the power conferred by this paragraph not being limited by the provisions of the preceding paragraphs.

(2) Any regulations made under subsection (1) shall apply in addition to, and not in substitution for, the provisions of any other law.

(3) In the event of any conflict between a regulation made under subsection (1) and any of the provisions referred to in subsection (2), the provisions of the regulations made under subsection (1) shall prevail.

(4) Regulations made under subsection (1) may prescribe penalties, not exceeding the penalties prescribed in section 73, for any contravention of or failure to comply with any such regulation."

Act No. 11, 1997

PETROLEUM (EXPLORATION AND PRODUCTION) AMENDMENT ACT, 1997**Insertion of section 76B in Act 2 of 1991**

4. The following section is hereby inserted in the principal Act after section 76A:

"Incorporation of standard publications by reference

76B. (1) The power conferred by section 76A to make regulations shall include the power to incorporate in any regulation any or all of the provisions of any health and safety standard, guideline or instruction without stating the text thereof and by mere reference to the number, title and year of issue of that health and safety standard, guideline or instruction, whether published in Namibia or elsewhere, or to any other particulars by which it is sufficiently identified.

(2) Any health and safety standard, guideline or instruction incorporated in any regulation shall for the purposes of this Act be deemed to be a regulation made under section 76A.

(3) Regulations incorporating any health and safety standard, guideline or instruction under subsection (1) shall state the place where and time during which a copy of the publication containing the health and safety standard, guideline or instruction shall be available for free inspection, including copies of any supplementary standard publication, or other document incorporated by reference in such health and safety standard, guideline or instruction."

Short title

5. This Act shall be called the Petroleum (Exploration and Production) Amendment Act, 1997.
