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THE OFFICIAL GAZETTE 25TH APRIL, 2025
LEGAL SUPPLEMENT — C

BILL No. 7 of 2025 *Friday 25th April, 2025*

PARLIAMENT OFFICE
Public Buildings,
Georgetown,
Guyana.

25th April, 2025

The following Bill which will be introduced in the National Assembly is published for general information.

S.E. Isaacs,
Clerk of the National Assembly.

GUYANA

BILL No. 7 of 2025

OIL POLLUTION PREVENTION, PREPAREDNESS, RESPONSE AND RESPONSIBILITY BILL 2025

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FIRST SCHEDULE

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A BILL

Intituled

AN ACT to make provision for preventative, restorative, and compensatory measures in relation to oil spill incidents in the national territory, particularly, the prevention of pollution from oil, oil spill preparedness, response, cooperation, and financial responsibility; the establishment of the Competent National Authority; and for related matters.

A.D. 2025 Enacted by the Parliament of Guyana: -

PART I
PRELIMINARY

Short title and commencement.

1. (1) This Act may be cited as the Oil Pollution Prevention, Preparedness, Response and Responsibility Bill 2025.

(2) This Act shall come into operation, in whole or in part, on a date appointed by Order of the Minister.

Application.

2. This Act shall apply to oil spill incidents in the national territory from petroleum operations under the Petroleum Activities Act.

Act No. 17 of 2023.

Interpretation.

3. In this Act –

"Board" means an Oil Spill Incident Board of Inquiry constituted by the Minister in accordance with section 24;

"Commission" means the Civil Defence Commission established by section 4 (1);

"Committee" means the National Oil Spill Committee established by section 5 (1);

"facility" includes any structure, group of structures, other than a vessel, which is used for the purpose of exploring for, drilling for, producing, storing, handling, transferring, processing, or transporting oil, including transport by road or pipeline under the Petroleum Activities Act;

Act No. 17 of 2023.

"Minister" means the Minister with responsibility for disaster preparedness, response and management;

"National Oil Spill Contingency Plan" means the plan developed, prepared and published by the Competent National Authority under section 11;

"national territory" means the territory of Guyana and the area over which the State exercises sovereignty and sovereign rights over natural resources, including its internal water, its territorial sea, the contiguous zone, the continental shelf, the continental margin and the exclusive economic zone of Guyana;

"offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of Guyana, and any facility of any kind which is subject to the jurisdiction of Guyana and is located in, on, or under any other waters, other than a vessel or a public vessel;

Act No. 17 of 2023.

"oil" means petroleum as defined in the Petroleum Activities Act;

"oil spill incident" includes any unauthorised or series of unauthorised spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil in the national territory having the same origin but excludes discharges in compliance with an environmental authorisation issued under the Environmental Protection Act or any other written law;

Cap. 20:05.

"onshore facility" means any facility, including, motor vehicles and rolling stock, of any kind located in, on, or under, any land within the national territory;

"preventive measures" means any reasonable measures taken by any person after an oil spill incident has occurred to prevent or mitigate damage from oil pollution;

"removal" means containment and removal of a discharge of oil from land, water and shorelines or the taking of other actions as may be necessary to prevent, minimise or mitigate damage to the public health or welfare of the nation, or to the environment, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"removal costs" means the costs of removal that are incurred after an oil spill incident to prevent, minimise, or mitigate oil pollution from such an incident;

"response operations" or "response" means the activities undertaken following an oil spill, or threat of a spill, from a facility or vessel, including activities related to or connected with surveillance of and assessing areas of pollution, mobilising and demobilising response equipment and resources, protective booming, containment, recovery, dispersal or destruction of the pollutant, shoreline mitigation and restoration, transporting and disposing of recovered pollutant or waste materials and planning and supervising activities related to the response operation;

"responsible party" means the following –

(a) in the case of a vessel, any person owning, operating or chartering a vessel;

(b) in the case of offshore facilities, the operator of the facility or the holder of an exploration, a production or a pipeline licence under the Petroleum Activities Act;

Act No. 17 of 2023.

(c) the holder of a licence for deepwater ports;

(d) in the case of onshore facilities, the operator or licensee of the facility or pipeline; or

(e) in the case of an abandoned or decommissioned facility or vessel, the party who would have been responsible immediately prior to abandonment or decommissioning of the vessel or facility;

"surety" means any person, other than the responsible party, who provides evidence of financial responsibility for a responsible party under this Act;

"vessel" means every description of a sea-going and seaborne watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel.

PART II
ADMINISTRATION AND AUTHORITY

Competent National Authority.

4. (1) There is established a body corporate to be known as the Civil Defence Commission.

(2) Notwithstanding any provision in any other written law, the Commission shall be the Competent National Authority for the purposes of this Act and shall have the responsibility of supervising the coordination of the response to an oil spill incident and the mitigation of the impact of the oil spill incident.

(3) The Commission shall be the agency responsible for receiving from, and disseminating to, all stakeholders, oil spill reports or notifications of an oil spill incident in the national territory.

(4) The composition of the Commission and other matters related to the functioning and operation of the Commission are set out in the First Schedule.

First Schedule

(5) The Minister may give policy directions of a general nature to the Commission, as appear to the Minister as necessary, in relation to the exercise of the functions of the Commission.

National Oil Spill Committee.

5. (1) There is established a Committee within the Commission to be known as the National Oil Spill Committee.

Second Schedule

(2) The composition and the functions of the Committee are set out in the Second Schedule.

Incident command.

6. (1) Notwithstanding any provision in any other written law, and in accordance with the National Oil Spill Contingency Plan, where an oil spill incident occurs, the following persons or their respective designate, shall be named incident commander and deputy incident commander as follows –

(a) the Director-General of the Commission as the National Incident Commander;

(b) the Director of the Maritime Administration Department as the Deputy Incident Commander, where the oil spill incident occurs offshore; and

(c) the Chief Executive Officer of the Guyana Energy Agency as Deputy Incident Commander, where the oil spill incident occurs onshore.

(2) The National Incident Commander shall have the responsibility for the management and coordination of the oil spill response and shall control and direct the use of all resources.

(3) The Deputy Incident Commander shall be responsible for the activation and operation of the relevant operation center and ensuring effective on-scene command.

National response coordinators.

7. (1) Subject to any direction of the Competent National Authority under section 4(2), the Guyana Defence Force Coast Guard shall be the National Response Coordinator at the scene of an offshore oil spill incident.

(2) Subject to any direction of the Competent National Authority under section 4(2), the Guyana Energy Agency shall be the National Response Coordinator at the scene of an onshore oil spill incident.

International cooperation.

8. The Minister responsible for foreign affairs, in collaboration with the Competent National Authority and any other appropriate agency, and subject to international law obligations, shall coordinate the international emergency response for an oil spill incident crossing international boundaries or involving a foreign flag vessel.

PART III

POLLUTION PREVENTION AND EMERGENCY PREPAREDNESS

Coordination structure.

9. (1) The Competent National Authority shall be responsible for the planning and coordinating of oil spill emergency responses by all agencies of the State.

(2)The Competent National Authority together with the Committee shall establish an incident command system structure –

(a) to respond to any oil spill incident; and

(b) for oil spill incident training and drills.

Local or facility contingency plans.

10. (1) The responsible party shall prepare, –

(a) in the case of a facility, a facility oil spill contingency plan; and

(b) in the case of a vessel, a shipboard oil pollution emergency plan,

which shall be approved by the Competent National Authority, in consultation with the Environmental Protection Agency, the Ministry of Natural Resources and the Guyana Energy Agency.

(2) The details of the minimum required content of a facility oil spill contingency plan and a shipboard oil pollution emergency plan, and the procedures for their approval shall be prescribed by Regulations.

(3) Notwithstanding the provisions of subsection (2), a facility oil spill contingency plan and a shipboard oil pollution emergency plan shall be aligned and implemented in conjunction with the provisions of the National Oil Spill Contingency Plan, and where practicable, regional and international oil spill response plans developed pursuant to regional or international instruments ratified by Guyana.

(5) A responsible party shall not operate a facility or a vessel without the written approval of the Competent National Authority of an oil spill contingency plan or a shipboard oil pollution emergency plan prepared in accordance with this Act.

(6) The responsible party for an offshore or onshore facility shall submit a new oil spill contingency plan, or amendments to the existing plan within ninety days of any change

which materially affects or could materially affect the validity or effectiveness of the plan.

National Oil Spill Contingency Plan.

11. The Competent National Authority shall develop, prepare, and publish a National Oil Spill Contingency Plan which shall guide all coordination and response operations of oil spill incidents or potential oil spill incidents.

Prevention and preparedness obligation.

12. (1) A responsible party shall ensure the necessary preparedness to enable effective and prompt prevention, removal, or mitigation of an oil spill incident.

(2) The responsible party shall take all reasonable measures to prevent and mitigate an oil spill incident, prioritising–

(a) human health and safety at all stages of the response action through search and rescue efforts in the general proximity of the oil spill incident and the safety of response personnel;

(b) stabilisation of the facility to prevent the oil spill incident from worsening by securing the source of the spill; and

(c) containment efforts to minimise the impact on the environment and its biodiversity.

PART IV

OIL SPILL RESPONSE

Coordination.

13. (1) Where an oil spill incident occurs, the Competent National Authority shall coordinate and direct all

response efforts in accordance with this Act and the National Oil Spill Contingency Plan.

(2) The procedures for coordination of response efforts at an oil spill incident shall be prescribed by Regulations.

Oil spill incident notification.

14. The responsible party shall promptly notify the Competent National Authority, in writing, on the occurrence or discovery of an oil spill incident.

Public notification of oil spill incident.

15. The Competent National Authority shall ensure, to the extent practicable, that information related to an oil spill incident is made publicly available.

PART V
ENVIRONMENTAL RESTORATION AND RECOVERY

Environmental restoration.

16. Where oil spill removal operations are complete, the Environmental Protection Agency shall direct a responsible party to implement the necessary actions to restore the natural environment and the responsible party shall comply with the Environmental Protection Act when such actions.

Cap 20:05

PART VI
LIABILITY

Liability.

17. A responsible party is liable for all damages caused by an oil spill incident, removal and removal costs, and restoration of the environment as far as practicable, and for any costs arising therefrom or connected therewith.

Removal costs.

18. Removal costs referred to in section 17 shall include all removal costs for any removal action taken in accordance with the National Oil Spill Contingency Plan by any person or by the State or any agency of the State.

Liability for damages from escape of oil from vessel or local facility.

19. Liability for damages under section 17 includes damages resulting from the unauthorised discharge of oil from a vessel or facility including –

(a) damage to real or personal property, and economic losses resulting therefrom;

(b) loss of taxes, royalties, rents, fees, or profit shares, loss of profits or impairment of earning capacity due to the injury, destruction, or loss of real or personal property, or natural resources;

(c) loss or damage caused by preventive measures; and

(d) damage related to impairment of the environment.

Incidents involving more than one vessel.

20. Where two or more vessels are involved in an oil spill incident, the responsible parties of all the vessels concerned

shall be jointly and severally liable for all damages and remova costs.

No transfer of liability.

21. An indemnification or any like agreement shall be invalid for the purposes of transferring the liability of a responsible party under this Act.

Cost recovery.

22. Any cost of removal incurred by the State or a third party in connection with an oil spill incident shall be recoverable from the responsible party of the facility or vessel that is the source of the unauthorised discharge of oil in a claim brought under this Act.

PART VII

CLAIMS BY PERSONS AFFECTED BY OIL SPILL INCIDENT

Filing a claim.

23. (1) Without prejudice to any other action with respect to the same matter which is lawfully available, a person affected by an oil spill incident to which this Act applies, may file a claim with the Oil Spill Incident Board of Inquiry in accordance with this Part.

(2) A claim under this section shall not be filed later than one year after the discovery of the oil spill incident or the discovery of the damage arising from the incident, whichever is first.

(3). The procedure for filing a claim under subsection (1) shall be prescribed by Regulations.

Establishment of Oil Spill Incident Board of Inquiry.

24. (1) On the occurrence of an oil spill incident the Minister shall constitute an Oil Spill Incident Board of Inquiry which shall sit to evaluate claims occasioned by that incident and report its findings and recommendations to the parties.

(2) The Board shall comprise of three members, who possess technical, legal or environmental remediation expertise relevant to an oil spill response, appointed by the Minister as follows –

(a) a nominee of the Ministry of Natural Resource;

(b) a nominee of the Environmental Protection Agency; and

(c) a nominee of the responsible party.

(3) The Board, together with the parties, shall determine its own procedure which shall include the attendance and examination of witnesses, including experts, the production and inspection of documents, the entry or inspection of the property, and other matters necessary or proper for reconciliation between the parties.

Findings and recommendations of Board.

25. (1) The Board shall complete its evaluation and deliver a written report detailing its findings and recommendations to the parties within ninety days from the date of its constitution or such other time agreed upon by the parties.

(2) The findings and recommendations contained in the report issued by the Board shall not be binding upon the parties:

Provided that the parties may agree in writing to adopt and be bound by the Board's findings and recommendations.

Rejection of findings of the Board.

26. Where a party to a claim rejects the findings or recommendations of the Board, that party shall, within thirty days of receipt of the report, give written notice of rejection to the other party and may proceed to pursue any other action lawfully available.

PART VIII
FINANCIAL RESPONSIBILITY

Financial responsibility.

27. (1) A responsible party shall maintain and provide evidence of financial assurance to the satisfaction of the Competent National Authority.

Act No. 17 of 2023
Cap 20:05

(2) Financial assurance shall be in accordance with the Petroleum Activities Act and the Environmental Protection Act.

Cap 20:05

(3) "Financial assurance" has the same meaning under the Environmental Protection Act.

(4) The financial assurance requirement under subsection (1) shall ensure comprehensive coverage, as far as practicable.

Claims against a surety.

28. A person may claim directly against a surety of a responsible party where –

(a) the responsible party who has been found liable to pay a claim under this Act, has failed or refused to pay the claim; or

(b) the responsible party filed a petition for bankruptcy or has become insolvent.

PART IX
INSPECTION

Facility or vessel inspection.

29. (1) A responsible party shall conduct periodic inspections of every facility or vessel owned or operated by the party.

(2) The periodic inspections conducted for each facility or vessel shall be in accordance with the responsible party's approved facility oil spill contingency plan or shipboard oil pollution emergency plan.

(3) A responsible party shall maintain written records of all inspections conducted under this section.

(4) The written records of the inspection shall include records of –

(a) each container, secondary containment, and item of response equipment;

(b) the cross reference of inspection of each container and secondary containment;

(c) the written procedures used to conduct the inspection.

(5) The responsible party shall be responsible for addressing issues that arise during the inspection process that would lead to improvements in the contingency plan or any aspect of preparedness for an oil spill response.

Oil Spill Readiness Inspection.

30. (1) The Competent National Authority shall conduct an audit of the records of inspection kept by the responsible party under section 29.

(2) The responsible party shall allow unrestricted access to the Competent National Authority, or any person designated by the Competent National Authority, for the purposes of subsection (1).

(3) The Competent National Authority shall notify the responsible party of any issues recognised in the audit and make recommendations for improvements of the responsible party's facility oil spill contingency plan or shipboard oil pollution emergency plan, and any aspect of readiness for response to an oil spill incident.

(4) The responsible party shall, unless otherwise specified, promptly implement the recommendations of the Competent National Authority.

PART X
PENALTIES

Failure to comply with the provisions of the Act.

Third Schedule.

31. (1) A responsible party who fails to comply with the requirements of this Act commits an offence and is liable on summary conviction to the penalty prescribed under paragraph (a) of the Third Schedule.

Cap 20:05
Act No. 17 of 2023

(2) Notwithstanding the provisions of the Environmental Protection Act, the Petroleum Activities Act or any other applicable law, to the extent that the offences prescribed under this Act are also subject to criminal liabilities under other Acts, the penalties imposed under this Act shall prevail and no similar charges may be imposed for the same offence.

General offences.

32. A responsible party who –

(a) fails to submit plans, reports or provide any information required under this Act;

(b) fails to keep records in accordance with this Act;

(c) fails to comply with orders issued by the Competent National Authority under this Act,

commits an offence and shall be liable on summary conviction to the penalty prescribed under paragraph (a) of the Third Schedule.

Third Schedule.

Failure to provide financial assurance.

33. (1) Where a responsible party of a vessel fails to provide financial assurance, the Director General of Maritime Administration Department shall withhold or revoke the clearance of the vessel required by the Guyana Shipping Act.

Cap 49:01.

(2) Where a responsible party of a facility fails to provide financial assurance, the Minister with responsibility for petroleum may suspend a licence granted under the Petroleum Activities Act or the Director General of Maritime Administration Department may suspend a licence for a deep-water port.

Act No. 17 of 2023.

(3) Upon conviction of any of the offences under subsections (1) or (2), the responsible party shall be liable on conviction on indictment to the penalty prescribed under paragraph (b) of the Third Schedule.

Third Schedule

(4) The revocation shall be rescinded or the suspension shall be lifted under subsections (1) and (2) when the responsible party provides financial assurance in the form and on the terms specified by the Director General of the Maritime Administration Department or the Minister with responsibility for petroleum, as the case may be.

Failure to notify of an oil spill.

34. A responsible party who fails to notify the Competent National Authority of an oil spill incident under section 14 commits an offence and shall be liable on conviction on

Third Schedule

indictment to the penalty prescribed under paragraph (c) of the Third Schedule and imprisonment for a term of not less than three years.

Failure to respond.

35. (1) A responsible party who fails or refuses to respond to an oil spill under this Act commits an offence and shall be liable on conviction on indictment to the penalty prescribed under paragraph (d) of the Third Schedule and imprisonment for a term of not less than three years.

Third Schedule

(2) In addition to the penalty prescribed under subsection (1), the responsible party may be subject to –

(a) in the case of a vessel, the revocation of clearance by the Director General of the Maritime Administration Department; or

(b) in the case of a deep-water port, the suspension or revocation of a licence issued by the Director General of the Maritime Administration Department; or

(c) in the case of facilities, suspension or revocation of a licence issued by the Minister with responsibility for petroleum.

Failure to pay removal costs and damages.

36. A responsible party who fails to reimburse the State pursuant to section 22 commits an offence and shall be liable on conviction on indictment to –

Third Schedule

(a) the penalty prescribed under paragraph (b) of the Third Schedule; and

(b) payment of removal costs and damages; and

may be liable to forfeiture of their assets within the national territory up to the value of the amount not so reimbursed.

Offence committed by body corporate.

37. Where an offence has been committed by a body corporate and is proved to have been committed with the consent or the connivance of, or to have been attributable to any neglect on the part of a director, manager, secretary or any other officer or agent of the body corporate, or any person who was purporting to act in such capacity, that person, as well as the body corporate, shall be guilty of that offence and liable to be same penalty.

PART XI
MISCELLANEOUS

Power to make subsidiary legislation.

40. The Minister may make subsidiary legislation for the purpose of giving effect to the provisions of this Act.

Power to amend Schedules.

41. The Minister may, by Order subject to negative resolution of the National Assembly, amend the Schedules to this Act.

FIRST SCHEDULE

(section 4 (4))

The Civil Defence Commission

Succession, seal and rights of Commission.

1. The Commission established by section 4 of the Act shall have perpetual succession and a common seal and may –

(a) acquire, hold, and dispose of real and personal property;

(b) sue and be sued in its personal capacity; and

(c) exercise any rights, powers and privileges, and incur, subject to this Act, all the liabilities and obligations of a natural person of full age and capacity.

Functions of the Commission.

2. The functions of the Commission shall include –

(a) responsibility for disaster risk management throughout the national territory;

(b) the development and implementation of a comprehensive system of disaster risk management to support sustainable development in the national territory including the establishment of a National Emergency Operations Centre;

(c) ensuring that disaster risk management procedures and measures are put in place in the national territory, including procedures and measures aimed at disaster risk reduction, mitigation, preparedness, response and recovery and resilience building;

(d) the development of strategies, systems and procedures to enable the national territory to -

(i) assess and manage disaster risk;

(ii) mitigate or reduce the impact of hazards; and

(iii)effectively respond to, and recover from, a disaster or an emergency;

(e) the establishment of long-term institutional, governance and risk management frameworks, at different levels of government, to promote the national territory's resilience to hazards, emergencies and disasters;

(f) the development, implementation and review of a National Disaster Risk Management Strategy and Plan for the national territory;

(g) reviewing and approving regional and community disaster risk management strategies and plans;

(h) reviewing and assessing the effectiveness of, and where necessary, providing support to, regional and community disaster risk management strategies and plans;

(i) reviewing and assessing cooperation between entities responsible for disaster risk management, including whether the disaster management systems and procedures employed by those entities are compatible and consistent with the national plan or the response required for the disaster;

(j) development of a Disaster Risk Management Platform;

(k) serve as Secretariat to the Disaster Risk Management Platform and, in this regard, provide a mechanism for sharing information among members of the Platform on activities of the Platform and on events and disaster or emergencies occurring in the national territory;

(l) development, maintenance and review of disaster risk management standards and disaster risk management guidelines;

(m) establishment of working relationships with entities performing emergency disaster response services, including community organisations and private sector entities, to identify and improve disaster management capabilities, including volunteer capabilities;

(n) monitoring, coordinating and giving directions regarding disaster risk management measures to be taken by public bodies, private sector entities, civil society organisations and communities;

(o) providing, on request and subject to the availability of resources, technical assistance to public bodies, private sector entities, civil society organisations and communities in preparing disaster risk management strategies and plans;

(p) receiving and distributing foreign aid and humanitarian assistance to alleviate damages and reduce losses;

(q) set policies for and assist the Trustees to administer the Fund;

(r) perform any other function that is incidental to a function mentioned in paragraphs (a) to (q) or that are necessary to for the effective functioning and management of the Commission.

Establishment of the Board of Governors of the Commission.

3. (1) There is established the Governing Board of the Commission which shall consist of the following persons appointed by the Minister on such terms and conditions as the Minister thinks fit –

(a) a Director-General, who shall be the Chief Executive Officer of the Commission;

(b) a Deputy Director-General;

(c) a Secretary to the Commission; and

(d) four other persons with the knowledge and experience in environment, law, economics, disaster risk management, law, natural resources, insurance, health, social welfare or human rights.

(2) The appointment of the members of the Governing Board and every change in appointment shall be published in the *Gazette*.

Procedures of the Commission.

4. The members of the Commission shall determine its procedures.

Staff of the Commission.

5. Subject to the approval of the Minister, the Governing Board of the Commission may, on such terms and conditions as may be determined by the Director-General, employ such number of staff as may be deemed necessary for the efficient carrying out of the functions of the Commission under this Act or any other written law.

Powers and Duties of the Governing Board of the Commission.

6. The powers and duties of the Governing Board of the Commission include –

(a) General and overall responsibility for the day-to-day operations of the Commission.

(b) providing advice to the Minister on matters relating to disaster risk management in the national territory;

(c) reviewing and assessing the various programmes and activities of the Government which have an impact on disaster risk management in the national territory;

(d) making recommendations to the Minister on the activities and programmes concerning disaster risk

management and the effect that those activities and programmes are likely to have;

(e) developing and recommending to the Commission and the Platform, national policies to foster and promote disaster risk management;

(f) in collaboration with Government departments or other agencies that deal with climate change and gender equality, participating in programmes to conduct investigations, studies, surveys, research and analysis relating to ecological systems and environmental quality and document;

(g) defining changes in the natural environment as they relate to the likelihood of the occurrence of disasters in the national territory;

(h) participating in programmes to analyse and interpret the information for the purpose of determining whether any conditions and trends are interfering or are likely to interfere, with the achievement of disaster risk management;

(i) participating in programmes to prepare and review disaster risk assessments;

(j) conducting programmes of public information and education on disaster risk management;

(k) liaising with persons and organisations in and out of the national territory for the purpose of exchanging information and facilitating the harmonisation of the policies of any person and organisation with those of the Government relating to disaster risk management in the national territory;

(l) consulting with the Platform in the preparation of the National Comprehensive Disaster Management Plan;

(m) provide technical advice to facilitate the development of regulations relating to disaster risk management in Guyana;

(n) require any Government ministry or department or statutory body to make available to the Commission any publicly owned vehicle, plant, equipment or personnel as are available for the purposes of response, rescue and relief;

(o) establish and maintain disaster risk management mechanisms including mechanisms for the exchange of information to inform policy formulation, plan and decision making within other sectors;

(p) compile and submit reports on damage assessments to the Minister for report to the National Assembly;

(q) perform any other function as may be appropriate for the effective carrying out of the provisions of this Act.

Funds of the Commission.

7. The funds of the Commission shall be –

(a) sums allocated from the Consolidated Fund;

(b) other sums including donations or contributions as may be provided to the Commission by any entity or agency, whether national, regional or international.

Exemption from taxation.

8. (1) The Commission, its assets, property, income and its operations and transactions authorised by this Act, shall be exempt from all taxation including custom duties, capital gains tax, corporation tax, income tax, property tax and purchase tax and the Commission shall be exempt from payment of any tax or duty.

(2) No taxation of any kind shall be levied on any obligations or security issued by the Commission.

Protection of members of the Governing Board and the Committee, and officers and staff of the Commission.

9. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Governing Board of the Commission or the Committee, or any other staff or employee of the Commission in respect of any act done or omitted bona fide by him or her in the execution of their lawful duties:

Provided that where any person is exempt from liability by reason only of the provisions of this clause, the Commission shall be liable to the extent that it would be if the member, staff or employee were an agent to the Commission.

SECOND SCHEDULE (section 5(2))

The National Oil Spill Committee

Constitution of the National Oil Spill Committee.

1. (1) The National Oil Spill Committee established by section 5(1) of the Act shall consist of the not less than seven of the following nominees appointed by the Minister as members of the Committee –

(a) a nominee of the Civil Defence Commission;

(b) a nominee of the Guyana Defence Force;

(c) a nominee of the Maritime Administration Department;

(d) a nominee of the Ministry of Health;

(f) a nominee of the Attorney General's Chambers and Ministry of Legal;

(g) a nominee of the Ministry of Natural Resources;

(h) a nominee of the Ministry of Agriculture;

(i) a nominee of the Ministry of Public Works;

(j) a nominee of the Ministry of Foreign Affairs and International Cooperation;

(k) a nominee of the Guyana Civil Aviation Authority;

(l) a nominee of the Guyana Hydrometeorological Service;

(m) a nominee of the Shipping Association of Guyana;

(n) a nominee of the Guyana Police Force;

(o) a nominee of the Guyana Fire Service;

(p) a nominee of the Environmental Protection Agency;

(q) a nominee of the Guyana Energy Agency;

(r) a nominee of the Guyana Geology and Mines Commission;

(s) a nominee of the Ministry of Finance;

(t) a nominee of the Guyana Wildlife Conservation and Management Commission;

(u) a nominee of the Ministry of Local Government and Regional;

(v) a nominee of the Private Sector Commission;

(w) a nominee of the Ministry of Human Services and Social Protection; and

(x) any other person who, in the opinion of the Minister, possesses the relevant professional and technical expertise to aid the work of the Committee in accordance with the Act.

(2) The Director-General and Deputy Director-General of the Commission shall be *ex-officio* members of the Committee.

(3) The Director-General of the Commission shall be the Chairperson of the Committee and the Director of the Environmental Protection Agency shall be the Vice-Chairperson of the Committee.

(4) The members of the Committee shall serve on the Committee, on a periodic basic, for a period of two years and shall be eligible for reappointment for a further term as may be determined by the Minister.

(5) The Commission, in consultation with the Minister, shall determine the terms and conditions, including the remuneration and allowances, if any, of the appointment of members of the Committee.

Functions of the National Oil Spill Committee.

2. The functions of the Committee include –

(a) overseeing the development of the contingency and response plans developed by the Commission;

(b) reviewing and making recommendations for the amendment of contingency and response plans developed by the Commission, including the National Oil Spill Contingency Plan under section 11 of the Act;

(c) overseeing the response to oil spills and monitoring performance and effectiveness of the contingency and response plans developed by the Commission;

(d) reviewing local or facility contingency plans for consistency with the National Oil Spill and Contingency Plan and any other national mechanisms established by the Competent National Authority and any other national mechanism established by the Competent National Authority;

(e) developing guidelines for the removal of oil spills;

(f) overseeing national oil spill response training and exercises;

(g) making available such facilities or resources that may be useful in a response to an oil spill incident, consistent with the represented Ministry's or organisation's authority and capability;

(h) providing advice to the State, generally, in relation to oil pollution, oil spill prevention and oil spill management;

(i) providing advice to the State and the Competent National Authority, specifically, in relation oil spill incident response;

(j) contributing to the development of policy, legislation and other initiatives relating to the prevention, preparedness, mitigation, and response to pollution from oil spills;

(k) promoting public awareness of, and appropriate community participation in, oil spill prevention, preparedness, mitigation, and response;

(l) developing and evaluating procedures to promote a coordinated response to oil spill incidents;

(m) monitoring reports of oil spill incidents and evaluating the likely impact of reported incident;

(n) giving guidance on actions of local, national, bilateral, and international agencies in supplying necessary support to the response in accordance with the National Oil Spill Contingency Plan developed by the Commission and any other directives of the Commission.

Procedures of the Committee.

3. The Committee shall determine its own procedures.

THIRD SCHEDULE (sections 28, 29, 31, 32 & 33)

Penalties

Paragraph	Prescribed Penalties
(a)	A fine not less than 1,000,000 dollars and not more than 10,000,000 dollars.
(b)	A fine not less than 15,000,000 dollars and not more than 75,000,000 dollars.
(c)	A fine not less than 20,500,000 dollars and not more than 1,000,000,000 dollars.
(d)	A fine not less than 50,500,000 dollars and not more than 2,000,000,000 dollars.

EXPLANATORY MEMORANDUM

This Bill seeks to give effect to a comprehensive legislative framework for the prevention of oil pollution, the preparedness and coordinated response to oil spill incidents, and the establishment of liability and compensation mechanisms in Guyana's national territory. The Bill is a forward-looking response to the increasing scale of petroleum operations and the attendant environmental risks, aligning Guyana's legal infrastructure with regional and international best practices.

The long title of the Bill reflects its core objectives to make provision for preventative, restorative, and compensatory measures relating to oil spill incidents; to provide for preparedness, response, cooperation, and financial responsibility; and to formally establish a Competent National Authority tasked with oversight and enforcement responsibilities.

PART I – PRELIMINARY

This Part contains the short title and commencement clause and articulates the scope and application of the Act, which will apply in relation to all oil spill incidents occurring within the national territory as a result of petroleum operations under the Petroleum Activities Act No. 17 of 2023. Key terms such as oil, oil spill incident, facility, responsible party, removal costs, and response operations are defined to ensure clarity in the interpretation and implementation of the Act.

PART II – ADMINISTRATION AND AUTHORITY

This Part establishes the Civil Defence Commission ("CDC") as the Competent National Authority and sets out its roles and responsibilities. This Part also constitutes the National Oil Spill Committee to support policy and coordination functions of the Competent National Authority.

Other matters, including the constitution and functions of the CDC and the National Oil Spill Committee are detailed the First and Second Schedules of the Act.

This Part also provides for the incident command structure to be activated in the event of an oil spill, identifying the focal points depending on the location (onshore or offshore) of the oil spill incident. These focal points are the Director-General of the CDC as the National Incident Commander; the Director of the Maritime Administration Department and the Chief Executive Officer of the Guyana Energy Agency as Deputy Incident Commanders for offshore and onshore oil spill incidents, respectively.

Additionally, the Guyana Defence Force Coast Guard and the Guyana Energy Agency are designated as National Response Coordinators depending on the locality of the oil spill incident. Provision is also made for international cooperation in cases involving transboundary pollution or foreign-flagged vessels.

PART III – POLLUTION PREVENTION AND EMERGENCY PREPAREDNESS

This Part outlines the duties of the Competent National Authority in planning and coordinating emergency responses, including establishing an incident command system.

This part requires that the Competent National Authority develop, prepare, and publish a National Oil Spill Contingency Plan which guides the coordination and response operations in the event of an oil spill incident or a potential oil spill incident.

It mandates every responsible party to prepare and obtain approval for a facility contingency plan or shipboard oil pollution emergency plan that aligns with the National Oil Spill Contingency Plan and other relevant international instruments which Guyana has ratified. It further prohibits operation of a facility or vessel without such approved plans.

The section also imposes prevention and preparedness obligations on responsible parties, prioritising human health, environmental protection, and effective emergency control.

PART IV – OIL SPILL RESPONSE

This Part provides for the coordination and control of oil spill response efforts by the Competent National Authority. It mandates notification of incidents by the responsible party and provides for public notification to ensure transparency.

PART V – ENVIRONMENTAL RESTORATION AND RECOVERY

This Part vests the Environmental Protection Agency with authority to direct post-removal restoration of the natural environment, ensuring consistency with the Environmental Protection Act, restoring ecological integrity following a spill.

PART VI – LIABILITY

This Part is central to the accountability framework of the Bill. It imposes strict liability on the responsible party for all damages, including removal costs, environmental damage, environmental restoration costs and economic loss. It includes provisions for joint and several liability where two or more vessels are involved, invalidates indemnification clauses that would shift liability, and empowers the State or any affected party to recover costs directly from the responsible party.

PART VII – CLAIMS BY PERSONS AFFECTED BY OIL SPILL INCIDENT

This innovative Part establishes the Oil Spill Incident Board of Inquiry to evaluate claims brought by persons affected by oil spill incidents. Without prejudice to any other action with respect to the same matter which is lawfully available, a person affected by an oil spill incident to which the Act applies, may file a claim with the Oil Spill Incident Board of Inquiry. The Board comprises of

three experts with technical, legal, and environmental competencies and must deliver findings within 90 days. Importantly, the recommendations are non-binding unless parties agree otherwise. The parties are also allowed to reject the report of the Board and may pursue any other action lawfully available to them.

PART VIII – FINANCIAL RESPONSIBILITY

This Part mandates that responsible parties maintain and provide financial assurance to cover potential oil spill related costs. This assurance must be consistent with requirements under the Petroleum Activities Act and Environmental Protection Act ensuring fiscal preparedness to respond to an oil spill incident.

This Part also makes provisions for a right of action against sureties directly where the responsible party fails or refuses to pay a lawful claim, or filed for bankruptcy or has become insolvent.

PART IX – INSPECTION

This Part places the duty on responsible parties to conduct periodic inspections and maintain detailed records. The Competent National Authority is thereafter empowered to conduct oil spill readiness audits, access facilities, and issue improvement recommendations, which the responsible party must implement as far as practical.

PART X – PENALTIES

This Part creates a robust penalty regime for non-compliance, including graduated fines (as set out in the Third Schedule), imprisonment, licence suspensions, and asset forfeiture for serious offences such as failure to notify or respond to an oil spill. It also provides for corporate liability.

PART XI – MISCELLANEOUS

The Minister is granted powers to make subsidiary legislation and amend the Schedules, subject to negative resolution of the National Assembly.

SCHEDULES

The First, Second and Third Schedules, respectively, establishes the Civil Defence Commission, detailing its structure, staffing, powers, and responsibilities; establishes the National Oil Spill Committee, including its broad and inter-agency composition and strategic functions; and prescribes penalties for offences created under the Act.

Collectively, this Bill introduces a dedicated legislative framework for oil spill governance, emphasising preventive preparedness, environmental accountability, and financial responsibility, and marks the significant advancement in Guyana's environmental and disaster management regime.



Brigadier (Ret'd) Mark Anthony Phillips
Prime Minister and Minister with responsibility for disaster preparedness, response and management