

THE PETROLEUM ACT

(Cap. 308)

THE PETROLEUM (PRODUCTS QUALITY MANAGEMENT)
REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

1—Citation.

2—Interpretation.

3—Application.

PART II—QUALITY MANAGEMENT OF REFINED
PETROLEUM PRODUCTS

4—Quality of petroleum imported.

5—Sampling and testing of imported petroleum.

6—Marking of export petroleum.

7- Marking of petroleum for consumption in Kenya

8—Marking of illuminating kerosene.

9—Marking personnel.

10—Sampling and testing for markers.

11—Non-compliant sites or petroleum tankers.

12—Test samples for non-compliant sites or petroleum tankers.

13—Lifting of sanctions for non-compliant sites or petroleum tanker.

PART III—MISCELLANEOUS

14—Publishing of list of non-compliant sites or petroleum tankers.

15—Duty to report non-compliant marine fuels.

16—Appeals.

17—Offences and penalties.

18—Revocation and transition.

SCHEDULE

THE PETROLEUM ACT

(Cap. 308)

IN EXERCISE of the powers conferred by section 101 of the Petroleum Act, the Cabinet Secretary for Energy and Petroleum on the recommendation on the Energy and Petroleum Regulations Authority, makes the following Regulations—

THE PETROLEUM (PRODUCTS QUALITY MANAGEMENT)
REGULATIONS, 2025

PART I—PRELIMINARY

- 1 These Regulations may be cited as the Petroleum (Products Quality Management) Regulations, 2025. Citation.
- 2 In these Regulations, unless the context otherwise requires— Interpretation.
 - “adulterated product” means a refined grade of petroleum product mixed with another petroleum grade or a miscible solvent, thereby altering the product specifications and performance standards;
 - “Authority” means the Energy and Petroleum Regulatory Authority established under section 9 of the Energy Act; Cap. 314.
 - “competent person” means a person certified by a professional body to collect samples, test and interpret the results thereof to determine if samples meet the following applicable specifications—
 - (a) in case of the approved marker technology, the scope of certification shall include the specific marker technology and specifications shall be the presence or absence of the marker or the level of concentration of the marker; and
 - (b) in the case of general refined petroleum products, the scope of certification shall be in relation to the various grades, and the specifications shall be those in the Kenya Standards,
 - “Bureau” means the body established under section 3 of the Standards Act; Cap. 496.
 - “Kenya Maritime Authority” means the body established under section 3 of the Maritime Zones Act; Cap. 371.
 - “Kenya National Accreditation Service” means the body established under the Kenya Accreditation Service Act; Cap. 496A.
 - “Kenya Revenue Authority” means the body established under the Kenya Revenue Authority Act; Cap. 469.
 - “Kenya Standard” has the same meaning assigned to it under the Standards Act; Cap. 496.
 - “licence” has the same meaning assigned to it under section 2 of the Act;
 - “load port” means a shore terminal from which the imported refined petroleum product to be discharged into a shore terminal in Kenya is consigned to the marine vessel;

“local use” means refined petroleum products which have, upon importation, been declared for use in Kenya;

“marker” means any refined petroleum products differentiation technology approved by the Authority to be used for the identification of specific grades of or classes of petroleum products;

“National Environment Management Authority” means the body established under section 7 of the Environmental Management and Coordination Act; Cap. 387.

“non-compliant site” means a site storing or offering for sale refined petroleum products that are—

- (a) adulterated or a tanker transporting refined petroleum products that are adulterated;
- (b) not marked or a tanker transporting refined petroleum products not marked in accordance with these Regulations or
- (c) not duty paid whether in full or partially in accordance with the applicable customs rate, and where such products require to be duty paid.

“oil marketing company” means a company licensed under the Act to import petroleum into Kenya;

“out of specification” means a grade of refined petroleum products not meeting the set requirements and performance standards as set by the applicable Kenya standards;

“petroleum motor fuels” means premium motor spirit or super petrol, and automotive gas oil ordiesel;

“refined petroleum products” has the same meaning assigned to it in section 2 of the Act;

“shore terminal” means a bulk storage facility on land that is licensed to handle imported refined petroleum products; Cap. 496.

“specification” has the meaning assigned to it in section 2 of the Standards Act;

“storage and loading depots” means licensed premises where petroleum tankers can collect refined petroleum products for delivery to other petroleum businesses for resale or a consumer’s own use;

“transit” means the movement of refined petroleum products imported from a foreign country through Kenya to a foreign destination; and

“Tribunal” means the Energy and Petroleum Tribunal established under section 25 of the Energy Act. Cap. 314.

3. These Regulations shall apply to the quality of refined petroleum products. Application.

PART II—QUALITY MANAGEMENT OF REFINED PETROLEUM PRODUCTS

4. (1) All refined petroleum products loaded from a storage and loading depot shall be marked in accordance with these Regulations. Quality of petroleum imported.

(2) A licensee shall ensure—

- (a) refined petroleum products imported into Kenya, whether for local use or transit, comply with the specifications or code of practice set out in the Kenya Standard or any international standard approved by the Bureau;
- (b) refined petroleum products to be transported through the pipeline system, in addition to meeting the requirement in sub-regulation (1), comply with the minimum operational specifications specified by the pipeline operator;
- (c) aviation petroleum fuels imported into Kenya, in addition to meeting the requirements of Kenya Standards or other international standards approved by the Bureau, meet the aviation fuel quality requirements for jointly operated systems or the agreed specification requirements for jet fuel supplied into venture locations; and
- (d) marine petroleum fuels imported into Kenya, in addition to meeting the requirements of Kenya Standards or other international standards approved by the Bureau, meet the requirements of the International Convention for the Prevention of Pollution from Ships.

(3) A licensee responsible for a shore terminal or a storage and loading depot shall put in place such infrastructure to ensure that the imported refined petroleum products maintain the specifications or code of practice in accordance with the Kenya Standards.

(4) The infrastructure referred to in sub-regulation (3) shall include an established and accredited laboratory or a duly executed contract with an accredited laboratory service provider.

(5) A licensee of a shore terminal or a storage and loading depot shall employ such competent personnel to ensure that refined petroleum products maintain the specifications or code of practice in accordance with the Kenya Standards.

5. (1) An oil marketing company shall ensure that refined petroleum products imported into Kenya are sampled and tested for compliance with the Kenya Standards by the Bureau or competent persons authorized by the Bureau.

Sampling and testing of imported petroleum.

(2) The Authority may request the Bureau to test additional parameters for the better execution of the Act.

(3) The tests under these Regulations shall be carried out in a laboratory accredited by Kenya National Accreditation Service.

(4) The samples for testing shall be sealed in a tamper proof container and signed by the master of the ship, a representative of the oil marketing company and a representative of the shore terminal.

(5) Unless otherwise required by the Bureau or the Authority in writing and subject to a dispute or court proceedings, the operator of the shore terminal shall preserve the samples in sub-regulation (4) for a minimum of sixty days from the date of collection.

(6) Oil marketing companies shall ensure that copies of the load port quality certificate for each cargo are submitted to the Bureau and the shore terminal nominated for receipt of the cargo at least twenty-four hours prior to commencement of discharge.

(7) Out of specification refined petroleum products shall be subject to such specifications or codes of practice issued by the Bureau in accordance with the Standards Act and in consultation with the Authority.

Cap. 496.

(8) A shore terminal operator shall undertake an independent quality certification of the refined petroleum products in each of the shore tanks after every receipt.

(9) Notwithstanding any satisfactory test certificates of the refined petroleum products, the operator of a shore terminal shall carry out petroleum product re-certification every ninety days where such product has not been moved.

(10) Each storage facility shall, before transfer of custody of refined petroleum products, furnish the buyer with a copy of the quality certificate referred to in sub-regulation (8) for the batch of product delivered.

6. (1) The refined petroleum products listed in the Schedule and intended for export with the exception of aviation petroleum fuels shall be marked with a marker approved by the Authority.

Marking of export petroleum.

(2) No person shall release or cause to be released from a storage and loading depot or a petroleum tanker, refined petroleum products specified in sub-regulation (1) and intended for the export market without the requisite marker approved by the Authority.

(3) The Authority or its appointed agents may stop, sample and test petroleum product on board a petroleum tanker conveying export product to confirm if it is appropriately marked.

7. (1) The refined petroleum products listed in the Schedule and intended for use in Kenya with the exception of aviation petroleum fuels shall be marked with a marker approved by the Authority.

Marking of petroleum for use in Kenya.

(2) No person shall release or cause to be released from a storage and loading depot or a petroleum tanker, refined petroleum products intended for use in Kenya without the marker approved by the Authority.

(3) The Authority or its appointed agents may stop, sample and test refined petroleum product meant for use in Kenya on board a petroleum tanker to confirm if it is appropriately marked.

8. (1) Illuminating kerosene intended for local use shall be marked with a marker approved by the Authority.

Marking of illuminating kerosene.

(2) No person shall release or cause to be released from a storage and loading depot, a petroleum tanker carrying illuminating kerosene meant for local use without the requisite marker approved by the Authority.

(3) The Authority or its appointed agent may sample and test illuminating kerosene from a retail-dispensing site or a petroleum tanker carrying illuminating kerosene to confirm the presence of the marker.

9. (1) The Authority may designate an accredited person or firm consisting of competent persons to add markers to petroleum products and test the products to detect the presence of the marker.

Marking
personnel.

(2) The cost of adding markers shall be borne by the owner of the refined petroleum products.

(3) The Authority may require the storage and loading depot to invest in suitable technology to automatically inject the markers onto petroleum products.

10. (1) The Authority or its appointed agent may sample and test for the presence of the appropriate approved markers in petroleum motor fuels and illuminating kerosene offered for sale in Kenya at—

Sampling and
testing for markers.

- (a) a retail dispensing site;
- (b) a commercial bulk storage site;
- (c) petroleum on board a petroleum tanker; and
- (d) a bulk storage depot for non-commercial purpose.

(2) Any testing under this regulation shall be undertaken in the presence of the site operator or owner or their agents.

(3) The cost of sampling and testing shall be met by the site operator in case of a retail-dispensing site or a bulk storage site and the tanker owner in case of a petroleum tanker.

(4) A sample of refined petroleum product collected for onsite testing shall not exceed two-hundred millilitres per dispensing nozzle or per compartment in case of a petroleum tanker and per tank in case of a bulk storage site.

(5) A sample collected for further analysis shall not exceed three separate containers of not more than one thousand millilitres each.

(6) No person shall obstruct the Authority or its agents from carrying out the sampling and testing at the sites specified in sub-regulation (1).

(7) The operator of a site referred to in sub-regulation (1) shall provide access to the Authority or its agents for the purpose of quality and quantity verification.

(8) In the absence of the operator in sub-regulation (7), the Authority shall use such powers of entry as provided for in the section 22 of the Energy Act.

Cap. 314.

11. The Authority shall—

Non-compliant site
or petroleum
tanker.

- (a) seal the dispensers and where feasible, the tanks of a retail dispensing site or bulk storage depot that does not comply with the provisions of the Act and these Regulations;

- (b) suspend the licence of a licensee or the certificate of a driver of a petroleum tanker who contravenes the provisions of the Act and these Regulations; and
- (c) seal the manhole and outlet valves of a petroleum tanker that does not comply with the provisions of the Act and these Regulations.

12. (1) The Authority shall take three separate test samples each not exceeding one thousand millilitres from a non-compliant site or petroleum tanker, and—

Test samples for non-compliant site or petroleum tanker.

- (a) assign one sample to the Bureau or its nominee for further laboratory analysis; and
- (b) assign one sample to the site operator; and
- (cc) retain one sample for future reference.

(2) The Authority shall retain the results of the test samples specified in sub-regulation (1) (c) for a period of ninety calendar days from the date of sampling.

(3) A person who wishes to appeal the results of the sampling specified in sub-regulation (2) may apply for a re-test within thirty days from the date of sampling.

(4) A re-test shall be undertaken on each of the sealed samples retained by the non-compliant site or petroleum tanker operator and the Authority as soon as practically possible after receipt of the appeal request in sub-regulation (3).

(5) The re-testing specified in sub-regulation (4) shall be undertaken in the presence of authorised persons from the Authority, the Bureau, the Kenya Revenue Authority, site or tanker operator or owner or their designated agent, and the marking and testing agent.

(6) Prior to the re-testing exercise, the Authority shall satisfy itself that the original seals on the retained sample containers and the packaging have not been tampered with.

(7) Where there is evidence of tampering, the Authority shall not proceed with the re-test.

(8) Re-test costs shall be met by the non-compliant site owner or petrol tanker operator where the results confirm a non-compliant result.

(9) No person shall authorize or offer for sale petroleum products from a non-compliant site or petroleum tanker before receiving written clearance from the Authority.

(10) No person shall cut or cause to be cut seals from a non-compliant site or petroleum tanker without the written approval from the Authority.

(11) No person shall transfer or tamper with the contents of the petroleum storage tanks of a non-compliant site or petrol tanker without the written approval from the Authority.

13. (1) The sanctions in regulation 10 may be lifted where the Authority is satisfied that reasonable correction and mitigation measures specified in sub-regulation (2) have been put in place.

Lifting of sanctions for non-compliant sites or petroleum tanker.

(2) The measures referred to in sub-regulation (1), shall include—

- (a) proof of payment of fines and penalties to the Kenya Revenue Authority;
- (b) proof of receipt of petroleum product upgrade instructions from the Bureau for adulterated products;
- (c) proof that the adulterated product has been upgraded or disposed of in an environmentally friendly manner in accordance with the Bureau instructions;
- (d) where the petroleum product cannot be upgraded by dilution, receipt of disposal advice from the National Environment Management Authority;
- (e) proof of quality certificate from the Bureau indicating that the upgraded petroleum product meets the Kenya Standard; and
- (f) proof that controls have been put in place to prevent recurrence of the offence.

(3) The Authority may reject the lifting of sanctions on a non-compliant site or petroleum tanker operator if it is of the opinion that the non-compliant site or petroleum tanker operator is a repeat offender or has not put in place sufficient mechanisms to prevent recurrence of the offence.

PART III—MISCELLANEOUS

14. (1) The Authority may publish the list of names of the operators and the outlets with non-compliant test results for the purpose of consumer awareness.

Publishing of list of non-compliant sites or petroleum tankers.

(2) The names in sub-regulation (1) may be published in a manner that the Authority may consider appropriate.

15. (1) A licensee shall report to the Authority any incident of marine fuels that fail to meet the requirements of the International Convention for the Prevention of Pollution from Ships as set out by Kenya Maritime Authority.

Duty to report non-compliant marine fuels.

(2) The reporting period in sub-regulation (1) shall not exceed fifteen days from the date of occurrence of the incident.

16. A person aggrieved by a decision of the Authority made pursuant to these Regulations may appeal in accordance with the provisions of section 24 of the Energy Act.

Appeals.

17. (1) A person who—

- (a) obstructs the Authority's employees or its appointed agents in sampling and testing of refined petroleum products from

Cap. 314.
Offences and penalties.

a site or a petroleum tanker commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;

- (b) being an oil marketing company or owner of a site or petroleum tanker operator, fails to retain samples of refined petroleum products in accordance with these Regulations commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (c) being the owner of a retail dispensing site or a petroleum tanker operator, offers for sale refined petroleum product that do not meet Kenya Standards commits an offence and shall, on conviction, be liable to the penalties specified under section 92(2) of the Act;
- (d) knowingly or unknowingly, offers for sale petroleum motor fuels onto which markers approved for export petroleum products and markers approved for illuminating kerosene for local use have been added commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (e) knowingly or unknowingly, transports or offers for sale petroleum products specified in the Schedule meant for use in Kenya onto which markers approved for refined petroleum products for use in Kenya have not been added commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (f) knowingly or unknowingly, transports petroleum motor fuels onto which markers approved for export petroleum products and markers approved for illuminating kerosene for local use have been added without the express written permission of the Authority commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (g) being a driver in possession of a valid petroleum tanker driver certificate issued under the Act, engages in the practice of adulteration or diversion of export petroleum products into the local market commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (h) knowingly or unknowingly, discharges or offloads part of or the whole of a consignment of petroleum products onto which markers approved for export petroleum products have been added, into the local market without paying the requisite taxes as specified by Kenya Revenue Authority commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (i) being the owner of refined petroleum products or a loading facility, refuses to have the products under the Schedule marked in accordance with these Regulations, commits an

offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;

- (j) reopens a non-compliant site without written permission from the Authority commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act;
- (k) being a licensee engaged in the sale of marine fuels, offers for sale or sells marine fuels and bunkers not complying with the requirements of the International Convention for the Prevention of Pollution from Ships as specified by Kenya Maritime Authority commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act; or
- (l) being a licensee engaged in the sale of marine fuels, fails to report cases of non-compliant marine fuels within fifteen days of the occurrence of the incident, commits an offence and shall, on conviction, be liable to the penalties specified under section 124 of the Act.

(2) The Authority may, in addition to the penalties specified under sub-regulation (1), suspend or revoke a licence, permit or certificate issued under the Act for such a period that it shall deem prudent or revoke a licence, permit or certificate if there exists sufficient evidence that continued possession of the licence, permit or certificate shall compromise the quality of refined petroleum products in Kenya.

18. (1) The Petroleum Rules, 2000, are revoked.

(2) Notwithstanding the provisions of sub-regulation (1)—

- (a) a licence, certificate or permit issued under the revoked Rules, shall be deemed to be a licence or permit under these Regulations subject to the terms and conditions;
- (b) any pending application for a licence, certificate or permit under the revoked Rules, shall be processed in accordance with these Regulations;
- (c) any proceedings taken against or by the Authority or pending against the Authority or any other person under the revoked Rules, may be continued by or against the Authority as if instituted under these Regulations:

Provided that criminal proceedings shall be regarded as pending if the person concerned had pleaded to the charge in question;

- (d) any administrative investigation or inquiry instituted in terms of the revoked Rules, shall be continued or disposed of as if instituted under these Regulations;
- (e) any disciplinary proceedings which were pending under the revoked Rules, shall be continued or concluded as if instituted under these Regulations;

Revocation and
transition.
L.N. 64 of 2000.

- (f) all appeal processes, which were pending under the revoked Rules, shall proceed as if instituted under these Regulations; and
- (g) any proceedings taken in exercise of any of the powers under the revoked Rules, shall be deemed to be proceedings under these Regulations.

SCHEDULE

(r. 6(1), 7(1), 17(1)(e)(g)(j))

LIST OF PETROLEUM PRODUCTS TO BE MARKED

The following products shall be marked with a marker approved by the Authority at Storage and Loading depots—

	<i>Petroleum Product</i>
1.	Premium motor spirit
2.	Automotive gas oil
3.	Illuminating kerosene

Made on the 19th May, 2025.

OPIYO WANDAYI,
Cabinet Secretary for Energy and Petroleum.