

(Legislative Supplement No. 47)

LEGAL NOTICE NO. 100

THE PETROLEUM ACT

(Cap. 308)

THE PETROLEUM (RETAIL DISPENSING SITE
CONSTRUCTION AND LICENSING) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation.

PART I—PRELIMINARY

- 1—Citation.
- 2—Interpretation.
- 3—Application.

PART II—RETAIL DISPENSING CONSTRUCTION PERMITS

- 4—Construction permit.
- 5—Application for a construction permit.
- 6—Form and validity of a construction permit.
- 7—Determination of application for a construction permit.
- 8—Obligations of a construction permit holder.
- 9—Compliance with statutory obligations.

PART III—LICENSING OF PETROLEUM RETAIL BUSINESS

- 10—Petroleum retail licence.
- 11—Application for petroleum retail business licence.
- 12—Form and duration of a petroleum retail business licence.
- 13—Renewal of a petroleum retail business licence.
- 14—Amendment of a petroleum retail business licence
- 15—Obligations of petroleum retail business licensee.
- 16—Suspension and revocation of a licence.
- 17—Transfer of a licence.

PART IV—MISCELLANEOUS

- 18—Display of permits and petroleum retail business licence.
- 19—Reporting of accidents or incidents.

20—Investigation of accidents or incidents.

21—Inspections.

22—Obstruction.

23—Appeals.

SCHEDULES

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 (RETAIL DISPENSING SITE
CONSTRUCTION AND LICENSING) REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations may be cited as the Petroleum (Retail Dispensing Site Construction and Licensing) Regulations, 2025. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “Act” means the Petroleum Act;
 - “adulterated petroleum” means any mixed refined petroleum products that alter product specifications detailed in the applicable Kenya Standards; Cap. 308.
 - “agent” means a person appointed in writing by the Authority to perform any of its functions;
 - “Authority” means the Energy and Petroleum Authority established under section 9 of the Energy Act; Cap. 314.
 - “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for petroleum;
 - “class” has the meaning assigned to it under the National Construction Authority Act; Cap. 118.
 - “contractor” has the meaning assigned to it under the National Construction Authority Act; Cap. 118.
 - “consumer” means any person who is supplied or entitled to be supplied with petroleum;
 - “County Government” has the meaning assigned to it in Article 176 of the Constitution;
 - “engineer” has the meaning assigned under the Engineers Act; Cap. 530.
 - “environment liability policy” means a statement of commitment by a party to the laws, regulations and other policy mechanisms concerning environmental issues; Cap. 496.
 - “Kenya Standard” has the meaning assigned to it under the Standards Act;
 - “licence” has the meaning assigned to it in section 2 of the Act;
 - “licensee” has the meaning assigned to it in section 2 of the Act;
 - “licensing authority” has the meaning assigned to it in section 2 of the Act;

“modification” means any change in the facility that alters the existing technical design, storage capacity or impacts on compliance with local environmental, health and safety requirements or any change requiring local authority approval;

Cap. 387.

“National Environment Management Authority” means the body established under section 7 of the Environmental Management and Co-ordination Act;

Cap. 118.

“National Construction Authority” means the body responsible for the accreditation and certification of skilled construction workers and construction site supervisors as established under section 3 of the National Construction Authority Act;

“open tendering system” has the meaning assigned to it in section 2 of the Act;

“petroleum business” has the meaning assigned to it in section 2 of the Act;

“petroleum logistics facility” means any facility that may be used to receive, store, load, offload or transport petroleum in bulk but does not include retail dispensing sites and own consumption installations of capacity less than fifty thousand litres;

“retail dispensing site” has the meaning assigned to it under section 2 of the Act;

“retail licence” means a licence to operate a retail dispensing site;

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

“third parties” means other petroleum business licensees and their agents carrying out business with a licensee; and

Cap. 314.

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

3. These Regulations shall apply to the construction of petroleum retail dispensing sites and the licensing of petroleum retail businesses.

Application.

PART II—RETAIL DISPENSING SITE CONSTRUCTION PERMITS

4. (1) A person shall not undertake construction works or modification of a retail dispensing site except in accordance with the terms and conditions of a valid construction permit issued by the Authority under section 86 of the Act.

Construction permit.

(2) The Authority may suspend or revoke a construction permit in accordance with section 89 of the Act.

(3) A person who undertakes the construction of a retail dispensing site without a valid construction permit issued by the Authority commits an offence and shall, on conviction, be liable to the penalties set out in section 74(3) of the Act.

5. (1) A person who wishes to construct a retail dispensing site shall apply for a construction permit to the Authority in the form set out in Part I of the First Schedule.

Application for a construction permit.

(2) An application under sub regulation (1) shall, in addition to the information specified under section 86(2) of the Act, be accompanied by—

- (a) the documents set out in Part II of the First Schedule and proof of payment of the fees set out in the Sixth Schedule; and
- (b) the environment liability policy in the form set out in the Seventh Schedule.

6. (1) A construction permit for a retail dispensing site shall be in the Form set out in Part III of the First Schedule.

Form and validity of a construction permit.

(2) A construction permit shall be valid for a period of twelve months from the date of issue or until such date of extension as determined by the Authority shall expire.

(3) A construction permit holder may make an application for extension of the validity period of a permit by writing to the Authority and detailing the reasons thereof for not completing the construction works in time.

(4) The extension of the validity period of a construction permit referred to in sub-regulation (3) shall be to a maximum of twenty-four months.

(5) A construction permit holder shall be required to make a fresh application where the construction permit cannot be extended for a longer period as provided for in sub regulation (4).

7. (1) The Authority shall consider an application under regulation 5 in accordance with section 86(2) of the Act.

Determination of application for a construction permit.

(2) Where the application is complete and meets the specified requirements, the Authority may grant a construction permit to the applicant.

(3) The Authority may, prior to making a determination to grant a construction permit, take into consideration suitability of the construction site after due assessment.

(4) The proposed construction site shall—

- (a) if located on a class A road, not be in an area adjacent to or within a vicinity of two kilometers from any retail dispensing site under construction or operational; and
- (b) if located on any other class of roads, not be in an area adjacent to or within a vicinity of zero point five kilometers from any retail dispensing site under construction or operational.

(5) The construction permit issued under sub-regulation (2) shall contain such terms and conditions set out in section 76(1) or (2) of the Act.

(6) The Authority shall, prior to issuing the permit, notify the applicant of the nature of the terms and conditions proposed to be imposed in the construction permit.

(7) The applicant shall, within thirty days of receiving a notification of the nature of the conditions proposed to be imposed, give a written undertaking in the format specified in the Second Schedule, to the Authority that as the permit holder, the applicant shall abide by the stipulated terms and conditions of the construction permit.

(8) The Authority shall issue the construction permit where the applicant has executed the undertaking in sub-regulation (7) failing which any construction permit granted shall be null and void.

(9) The Authority shall reject an application under these Regulations where the application does not meet the requirements for granting a construction permit.

(10) The Authority shall notify the applicant of the rejection and specify the reasons thereof within seven days of such rejection.

(11) Where the rejection relates to—

- (a) incomplete information, the applicant may make a fresh application and provide the requisite information or documents; or
- (b) unsuitability of the site, the decision of the Authority shall be final and if the applicant is not satisfied with the Authority's decision, the applicant may appeal to the Tribunal.

8. In undertaking construction of a retail dispensing site, the construction permit holder shall—

- (a) comply with the terms and conditions of the construction permit as required by the Authority;
- (b) engage contractors who are licensed by the National Construction Authority for their category or class of work;
- (c) ensure that the construction project is supervised by an engineer;
- (d) comply with an Environmental Impacts Mitigation Plan approved by the National Environment Management Authority;
- (e) comply with Government policy on local content; and
- (f) comply with directions issued by the Authority from time to time.

Obligations of a construction permit holder.

9. A construction permit holder shall, notwithstanding anything contained in the permit, comply with the provisions of the Act and all other written laws.

Compliance with statutory obligations.

PART III—LICENSING OF PETROLEUM RETAIL BUSINESSES

10. (1) A person shall not retail petroleum products without a valid licence issued by the Authority under the Act.

Petroleum retail licence.

(2) A person who undertakes the business of retail of petroleum products without a valid licence commits an offence and shall, on conviction, be liable to the penalty provided under section 74(3)(b) of the Act.

11. (1) A person may apply in writing to the Authority for a petroleum retail business licence.

Application for petroleum retail business licence.

(2) The application under sub-regulation (1) shall be accompanied by the documents set out in the Third Schedule and proof of payment of the fees as set out in the Sixth Schedule.

(3) The licensing authority may request for additional documents to enable satisfactory review of the licence application.

(4) The Authority shall review an application for a petroleum retail business licence within thirty days of receipt.

(5) Where the application is complete and meets the specified requirements, the Authority may grant a petroleum retail business licence to the applicant.

(6) The Authority shall reject an application under this regulation where the application does not meet the requirements for granting a petroleum retail business licence.

(7) Where the Authority rejects an application for the grant of a petroleum retail business licence, the Authority shall notify and give the applicant reasons for the refusal in writing within seven days of such rejection.

12. (1) A petroleum retail business licence shall be in the form set out in the Fifth Schedule.

Form and duration of a petroleum retail business licence.

(2) A petroleum retail business licence shall be valid for the period stipulated in the licence and shall be subject to such conditions as the Authority may prescribe.

(3) Where a petroleum retail business licence is issued by an agent appointed by the Authority under section 21 of the Energy Act, the Authority may vary, suspend or revoke the licence if there is reason to believe that the licence was issued erroneously.

(4) Notwithstanding sub regulation (3), the Authority may at any time suspend or revoke a petroleum retail business licence if the licensee contravenes the provisions of the Act, these Regulations or the conditions of the licence.

Cap. 314.

(5) Unless otherwise specified in the petroleum retail business licence, the Authority may issue a fourteen days' notice to a licensee to show cause why the licence should not be suspended or revoked.

(6) The Authority shall determine the matter in sub regulation (5) within thirty days from the date of expiry of the notice period.

(7) The suspension or revocation of a petroleum retail business licence shall not indemnify the licensee from any penalties for which the licensee may have become liable to under the Act or any other written law.

13. An application for the renewal of a petroleum retail business licence shall be made in accordance with section 77 of the Act and shall be accompanied by the documents set out in the Fourth Schedule and proof of payment of the fees set out in the Sixth Schedule.

Renewal of a petroleum retail business licence.

14. (1) A person may make an application to the Authority for amendment of a petroleum retail business licence in accordance with section 78 of the Act where—

Amendment of a petroleum retail business licence.

- (a) the details captured in the licence are erroneous; or
- (b) there is a change in the licence details that were unforeseen at the time of making the application.

(2) The reason for amendment in sub-regulation (1) shall not include transfer or change in control of petroleum retail business.

(3) An application for amendment shall be accompanied by the fees set out in the Sixth Schedule.

(4) A petroleum retail business licence amended under this regulation shall retain the existing expiry date.

(5) A petroleum retail business licence amended under sub-regulation (4) shall contain the word “Amended”.

15. (1) A petroleum retail business licensee shall—

Obligations of petroleum retail business licensee.

- (a) retail the petroleum and petroleum products specified in the licence;
- (b) purchase petroleum and petroleum products from a holder of a valid petroleum business licence;
- (c) purchase or sell of petroleum and petroleum products that meet the Kenya Standard or any other International Standard approved by the Bureau;
- (d) not offer for sale adulterated petroleum and petroleum products, or petroleum products meant for export;
- (e) ensure that the petroleum dispensing pumps are calibrated within the period specified by law;
- (f) not under-dispense or sell petroleum and petroleum products at prices above those determined by the Authority;
- (g) not hoard petroleum and petroleum products;
- (h) ensure that the construction or operations of the petroleum retail dispensing site comply with all applicable laws;
- (i) institute appropriate environmental, health and safety control measures;
- (j) obtain consent from the Authority prior to transferring or otherwise divesting any rights, powers or obligations conferred or imposed upon the licensee by the licence;

- (k) inform the Authority or its agents in writing of any changes of address or any other material particulars submitted as part of the application for the licence within thirty days of the relevant change taking effect; and
 - (l) ensure compliance with petroleum road tanker discharge procedures to maintain quality of product and safety at the retail site.
- (2) A person who contravenes the provisions of—
- (a) sub-regulation (1)(a) or (b), commits an offence and shall, on conviction, be liable to the penalties specified in section 99(1)(ii) of the Act;
 - (b) sub-regulation (1)(c) or (d), commits an offence and shall, on conviction, be liable to the penalties specified in section 92(2)(b) of the Act;
 - (c) sub-regulation (1)(e), (j), (k) or (l), commits an offence and shall, on conviction, be liable to the penalties specified in section 124 of the Act;
 - (d) sub-regulation (1)(f) or (i), commits an offence and shall, on conviction, be liable to the penalties specified in section 99(1)(ii) of the Act;
 - (e) sub-regulation (1)(g), commits an offence and shall, on conviction, be liable to the penalties specified in section 99(1)(i) of the Act; and
 - (f) sub-regulation (1)(h), commits an offence and shall, on conviction, be liable to the penalties specified in section 74(3)(b) of the Act.

16. (1) The Authority may at any time revoke or suspend a licence issued under these Regulations in accordance with section 81 of the Act.

Suspension and revocation of a licence.

(2) The Authority may reinstate a licence revoked or suspended under sub-regulation (1), if it is satisfied that the reasons for the revocation or suspension no longer exist.

(3) The Authority may publish a list of names of petroleum retail dispensing sites which may have committed any offence under the Act or these Regulations.

17. (1) A petroleum retail dispensing site licensee may transfer or otherwise divest any rights, powers or obligations in accordance with section 83 of the Act.

Transfer of a licence.

(2) An application to transfer a licence shall be in writing and shall outline the proposed changes and be accompanied by specified documents as the Authority may determine.

PART IV—MISCELLANEOUS

18. (1) A construction permit or a petroleum retail business licence, or a certified copy thereof, shall be displayed in accordance with section 80(1) of the Act.

Display of permits and petroleum retail business licence.

(2) A petroleum retail dispensing site business licence issued under the Act and these Regulations—

- (a) remains the property of the licensing authority;
- (b) may be suspended, revoked or amended by the Authority at any time in accordance with the Act;
- (c) shall not be tampered with or defaced in any manner; and
- (d) shall not be transferred without the written consent of the licensing authority.

(3) A person who contravenes sub-regulation (1) commits an offence and shall, on conviction, be liable to the fines and penalties provided under section 80(2) of the Act.

19. (1) A petroleum retail business licensee shall notify the Authority of any accidents or incidents in accordance with section 63 of the Act.

Reporting of accidents or incidents.

(2) The accidents or incidents referred to in sub-regulation (1) shall include those that cause—

- (a) the loss of life or permanent total disability ;
- (b) damage to property or the environment of more than one million Kenyan shillings;
- (c) an oil-spill of one hundred litres or more or an accidental gas release of one hundred kilograms or more in quantity; or
- (d) a fire or an explosion resulting in the incidents set out in paragraphs (a) or (b).

(3) The information to be submitted to the Authority shall include the—

- (a) name of the owner and operator of the premises involved;
- (b) date and time of the incident or accident;
- (c) location and geographical spread of the incident or accident;
- (d) number of injuries or fatalities if any;
- (e) owner and third party property damage if any;
- (f) length of period critical infrastructure shall be out of service as a result of the accident or incident; and
- (g) description of the events leading to and the most probable cause of the incident or accident.

(4) A person licensed to undertake petroleum retail business who fails to comply with this regulation commits an offence and shall, on conviction, be liable to the penalty set out in section 124 of the Act.

20. (1) A person licensed to undertake petroleum retail business shall investigate any accident or incident reported under regulation 19 within fourteen days or any such extended period as determined by the Authority from the date of the incident and submit a report containing the—

Investigation of accidents or incidents.

- (a) cause of the accident;
- (b) effects of the accident; and
- (c) proposed remedial measures and timelines thereof.

(2) The Authority shall review the report under sub-regulation (1) within thirty days of receipt and shall—

- (a) accept the report;
- (b) request for adjustment; or
- (c) reject the report giving reasons and other directives.

(3) Notwithstanding sub-regulations (1) and (2), the Authority may commission its own investigation.

(4) Where required, the retail dispensing site owner or operator whose facility was involved in the accident or incident shall facilitate the Authority or its appointed agent or committee to undertake investigations.

21. The Authority may enter and inspect any petroleum retail facility or any premises where petroleum retail business is conducted or suspected to be conducted for purposes of inspections pursuant to the provisions of the Act or these Regulations.

Inspections.

22. (1) No person shall obstruct, hinder, withhold information or provide false information as may be requested by the Authority in accordance with section 102 of the Act.

Obstruction.

(2) A person who contravenes the provisions of sub-regulation (1) commits an offence and shall, on conviction, in the case of providing false information, be liable to the penalties specified in section 103 of the Act.

23. A person aggrieved by a decision of the licensing authority under these Regulations may appeal to the Tribunal in accordance with section 85 of the Act.

Appeals.

FIRST SCHEDULE

(r. 5(1), (2)(a), 6(1))

PART I

APPLICATION FORM FOR A PETROLEUM RETAIL DISPENSING SITE
CONSTRUCTION PERMIT*(A separate application form must be completed with respect to each proposed retail site)*

1. Application Type *(tick as appropriate)*:
 - (a) new application
 - (b) extension application
 - (i) extension details.....
2. Name of business/applicant.....
3. Details of applicant.....
 - (a) Income tax person & identification no.....
 - (b) Entity KRA pin.....
 - (c) Postal address.....
 - (d) Email address.....
 - (e) Telephone no.....
 - (f) Business registration details (date of registration, registration no).....
 - (g) Proposed location of the business premises—
 - (i) Plot no.....
 - (ii) Building no.....
 - (iii) Street/ market.....
 - (iv) Town.....
 - (v) County.....
4. Location-longitude.....latitude.....
5. Details of proprietors or partners owning business of directors/ shareholders of the company, as the case may be

Name	nationality	no. of shares	passport/ID
.....

(any additional information should be submitted on a separate sheet of paper)

6. Give full details on tanks, tank capacities and products to be stored—

Tank acronym	product	tank capacity (litres)
Tank 1:
Tank 2:
Tank 3:

(any additional information should be submitted on a separate sheet of paper)

PART II– REQUIREMENTS FOR A PETROLEUM RETAIL DISPENSING SITE CONSTRUCTION PERMIT

1.	Certificate of Incorporation or Business Registration Certificate.
2.	CR12 from the Registrar of Companies (should not be older than one year at the time of submission of the application. Further if a limited company appears as part of the shareholders, provide the company's CR12 plus all the directors' identity cards).
3.	Legible copies of identification documents (identity cards /Passports for all the directors).
4.	Outline of the methods of financing of the project.
5.	Letter of allotment from the relevant Authority in case the title deed is yet to be issued.
6.	A duly registered lease for a minimum period of five years shall be provided in case the title deed is not in the name of the entity undertaking the development.
7.	Geographic information system coordinates of the proposed location.
8.	Valid work permits class "G" for all foreign directors working in Kenya (foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given powers of attorney by a foreign director should provide a copy of their identification document).
9.	Development permission from the respective County Government (including County Physical Planning Office).
10.	Approval to construct acceleration/deceleration lanes from the relevant roads authority (Kenya National Highways Authority/ Kenya Urban Roads Authority/ Kenya Rural Roads Authority whichever is applicable).
11.	Mechanical engineer's drawings specifying materials and design/ operational limitations (underground petroleum tank(s) designs and pipe-work layout).
12.	Civil engineer's drawings showing details of underground tank cradle and backfill designs; Forecourt layout and surface designs; general drainage and oil water separator layout/ designs.
13.	Certified copies of valid practicing certificates issued by the Engineers Board of Kenya as per the Engineers Act for engineers or consulting firms that shall have prepared the designs under items 8 and 9 above.
14.	A priced bill of quantities by the respective class of engineers.
15.	Valid environmental impact assessment license from the National Environment Management Authority approving the development of the project/facility.
16.	An environment liability policy.

PART III – PETROLEUM RETAIL DISPENSING SITE CONSTRUCTION PERMIT



PERMIT NO.

THE PETROLEUM ACT
PETROLEUM RETAIL DISPENSING SITE CONSTRUCTION PERMIT

Construction Permit is hereby granted to _____ of P.O. Box _____
_____ to construct the following petroleum facility (is):

<i>Construction of: Petroleum Facility</i>
--

On premises situated at: : _____

Plot No. : _____

Street/Market : _____

Town/County : _____

This permit expires on : _____

Dated this: _____

Signature _____

(SEAL)

*Director General
Energy and Petroleum Regulatory
Authority*

Conditions:

1. In accordance with the provisions of section 76(1) and (2) of the Petroleum Act.

SECOND SCHEDULE

(r. 7(7))

WRITTEN UNDERTAKING



WRITTEN UNDERTAKING TO THE ENERGY & PETROLEUM REGULATORY AUTHORITY

WHEREAS regulation 7(7) of the Petroleum (Retail Dispensing Site Construction and Licensing) Regulations, 2025, made under the authority of the Petroleum Act requires an applicant for a Construction Permit to make a written undertaking to the Energy and Petroleum Regulatory Authority within thirty days of receiving notification of grant of a construction permit;

THEREFORE Iof P.O. Box.....
being the person who intends to construct or have a petroleum retail dispensing site constructed, hereby warrants to abide by the terms and conditions stipulated in the Construction Permit issued by the Energy and Petroleum Regulatory Authority.

Permit Number :	Petroleum Facility:
Plot Number :	Location:
Street/market:	Town/County:
Permit expiry date:	
Full name of applicant:	Phone Number:
Signature of applicant or person authorized by said applicant to commit the applicant and to act as his agent in this matter:	Date:
If the name of the signee is different from the owner, please print signee's name here:	Phone Number:

A person who furnishes false information in any permit application under the Petroleum Act or in any statement required to be furnished under the Act, or pursuant to the Petroleum (Retail Dispensing Site Construction and Licensing) Regulations 2025, is on conviction, liable to such fines and penalties as prescribed by the Authority.

THIRD SCHEDULE

(r. 11(2))

REQUIREMENTS FOR APPLICATION FOR NEW PETROLEUM RETAIL
BUSINESS LICENCE

1.	Certificate of Incorporation / Business Registration Certificate.
2.	CR12 from the Registrar of Companies (should not be older than one year at the time of submission of the application. Further, if a limited company appears as part of the shareholders, provide the company's CR12 plus all the directors' identity cards).
3.	Legible copies of identification documents (identity cards /Passports for all the directors).
4.	Valid work permits class "G" for all foreign directors working in Kenya (foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given powers of attorney by a foreign director should provide a copy of their identification document).
5.	Proof of land ownership (copy of title deed in the name of company/director(s)). In the case of long-term land lease, copy of duly registered lease agreement in the name of the applicant company plus the title deed of the land owner or an allotment letter in the name of the proponent certified by the County Government.
6.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority.
7.	A valid Single Business Permit for the premises of operation from the respective County Government.
8.	A valid Environmental Impact Assessment licence from the National Environmental Management Authority for the facility.
9.	A valid Fire Clearance Certificate for the facility from the respective County Government.
10.	Certificate of Compliance with the Physical Land Use and Planning Act.
11.	A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services.
12.	A valid calibration certificate for each petroleum storage tank at the facility.
13.	A valid certificate of calibration of the petroleum dispensing units' meters from the Department of Weights and Measures.
14.	A pressure test report for the petroleum tanks and pipelines at the facility (for new facilities).
15.	A colour photo of the facility clearly showing the frontage and the forecourt.
16.	A summary emergency response plan for the retail dispensing site.
17.	A duly executed Environment Liability Policy.

FOURTH SCHEDULE

(r. 13)

REQUIREMENTS FOR A RENEWAL OF PETROLEUM RETAIL BUSINESS
LICENCE

1.	CR12 from the Registrar of Companies (should not be older than one year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the directors' identity cards).
2.	Legible copies of identification documents (identity cards /Passports for all the directors).
3.	Valid work permits class "G" for all foreign directors working in Kenya (foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given powers of attorney by a foreign director should provide a copy of their identification document).
4.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority.
5.	A valid Single Business Permit for the premises of operation from the respective County Government.
6.	An acknowledgement from the National Environmental Management Authority of having submitted an annual Environmental Audit report for the facility (the acknowledgement should not be older than 1 year at the time of submission of the application).
7.	A valid Fire Clearance Certificate for the facility from the respective County Government.
8.	A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services.
9.	A valid calibration certificate for each petroleum storage tank at the facility.
10.	A valid certificate of calibration of the petroleum dispensing units' meters from the Department of Weights and Measures.
11.	A summary emergency response plan for the retail dispensing site.
12.	A duly executed Environment Liability Policy

FIFTH SCHEDULE

(r. 12(1))

PETROLEUM RETAIL BUSINESS LICENCE



THE PETROLEUM ACT

PETROLEUM RETAIL BUSINESS LICENCE

No. ERC/PET _____

Licence is hereby granted to _____ of P.O. Box _____ to carry on the following petroleum businesses:

LICENCE NAME

On premises situated at: : _____

Plot Number : _____

Building : _____

Street/Market : _____

Town/County : _____

This licence expires on : _____

Dated this: _____

Signature _____

(SEAL)

Director General
Energy & Petroleum Regulatory
Authority

Conditions:

1. In accordance with section 76(1) and (2) of the Petroleum Act.

SIXTH SCHEDULE
(r. 5(2)(a), 11(2), 13,14(3))

FEES

<i>Category of Licence</i>	<i>New application (Amount in Kshs)</i>	<i>Renewal application (Amount in Kshs)</i>	<i>Amendment application (Amount in Kshs)</i>
Construction Permit	5,000	2,000	1,000
Petroleum Retail Business Licence	5,000	2,000	1,000

SEVENTH SCHEDULE

(r. 5(2)(b))

ENVIRONMENT LIABILITY POLICY
<p>(NAME OF COMPANY) is committed to the protection and preservation of the environment. We will continuously improve our performance and initiate additional projects and activities that will further reduce our impacts to the environment.</p> <p>Our commitment to the environment extends to our customers, our staff and the community from where we operate. We are committed to:</p> <p>Complying with all applicable environmental preservation and sustainability legislation;</p> <p>Preventing pollution whenever possible through efficient waste management strategies that promote waste minimization, re-use, recovery, recycling, as appropriate;</p> <p>Promoting and continually investing in technologies that provide alternatives to business travel and transport;</p> <p>Adopting a procurement programme which takes into account the environmental impact of products and services;</p> <p>Promoting the protection and enhancement of biodiversity and ecosystems through employee awareness programs and stakeholder engagement;</p> <p>Ensuring our staff are aware of the environmental impacts of their work activities and encouraging them through regular awareness and training to minimize those impacts;</p> <p>Communicating our environmental commitment and efforts to our customers, staff and the community; and</p> <p>Pursuing a programme of continuous improvement by reviewing our environmental management system and related objectives and targets, policies and practices.</p> <p>Reporting to the relevant authorities, accidents or incidents causing pollution of the environment, investigating the accidents/incidents and undertaking clean up or restoration of the affected areas.</p> <p>Signature:</p> <p>Designation:.....</p> <p>Stamp/Seal:.....</p> <p>Review date:.....</p> <p><i>This policy will be reviewed on a regular basis to evaluate continued relevance and to monitor compliance.</i></p>

Made on the 19th May, 2025.

OPIYO WANDAYI,
Cabinet Secretary for Energy and Petroleum.

LEGAL NOTICE NO. 101

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—

PETROLEUM (LIQUEFIED PETROLEUM GAS REGULATIONS),
2025.

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Petroleum (Liquefied Petroleum Gas) Regulations, 2025. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “Act” means the Petroleum Act; Cap. 308.
 - “approved person” means a person approved to inspect pressure vessels under the Occupational Safety and Health Act; Cap. 236A.
 - “appropriate fitting” means a fitting which—
 - (a) has been designed for the purpose of effecting a gas tight seal in a pipe or other gas way;
 - (b) achieves the purpose in paragraph (a) when fitted; and
 - (c) is secure, so far as is reasonably practicable, against unauthorised opening or removal;
 - “authorised distributor” means a person licensed by the Authority to sell liquid petroleum gas in cylinders in wholesale and has been appointed by a brand owner as his agent;
 - “Authority” means the Energy and Petroleum Regulatory Authority established under Section 9 of the Energy Act; Cap 314.
 - “autogas” means liquefied petroleum gas used in internal combustion engines;
 - “autogas retrofit system” means a system comprising of a liquid petroleum container, piping, fittings and instruments installed in a motor vehicle to allow it to run on liquid petroleum gas;
 - “brand caretaker” means a licensee appointed by the Authority to operate the cylinders of a distressed brand owner;
 - “brand owner” means a person who is the registered owner of a cylinder;
 - “bulk liquid petroleum gas” means liquefied petroleum gas of a combined quantity exceeding eighty kilograms;
 - “bulk storage” means storage capacity for liquefied petroleum gas exceeding eighty kilograms;

“Bulk Storage Vessel” means horizontal or vertical storage vessel of capacity exceeding 500 L and of the above-ground, buried, mounded (semi-buried) or semi-mounded type;

“certified person” means a person in possession of relevant training from an institution whose training program and the curriculum has been accredited by the National Industrial Training Authority;

“central tracking system” means a national program for the monitoring and authenticating liquefied petroleum gas transactions to ensure legitimate trade in liquid petroleum gas cylinders;

“combustible material” means substances that can ignite and burn when exposed to heat or fire;

“consumer charter” means a document which gives details of service delivery terms, payment, response times and overall quality of service standards;

“consumer” has the meaning assigned to it in the Act;

“conversion centre” means a place where a motor vehicle is modified so that it can run on both liquid petroleum gas and petrol or diesel;

“cylinder deposit” means the amount of money collected by the brand owner or his appointed wholesaler or retailer at the point of sale as security for the liquefied petroleum gas cylinder;

“cylinder seal” means a cap placed on the valve of the cylinder for the purposes of preventing tampering as well as ingress of water or dust into the valve;

“distressed brand owner” means a brand owner who has failed to meet the requirements for the renewal of a licence or who has failed to renew his licence, in either case for more than twelve months from the expiry of the previous license;

“filling or refilling” means the packaging of liquefied petroleum gas into cylinders;

“fire safety auditor” means a person registered as a fire safety professional under the Occupational Safety and Health Act; Cap 236A.

“hospitality” means a contract between a licensed business with a licensed facility owner for storage or refilling of liquid petroleum gas into cylinders

“import route” means the prescribed import route under the East African Community Customs Management Act, 2004;

“importer” means a person licensed to import bulk liquefied petroleum gas under the Act;

“installation pipework” means any pipework for conveying gas for a particular consumer and any associated valve or other gas fitting including any pipework used to connect a gas appliance to other installation pipework and any shut off device at the inlet to the appliance, but it does not mean —

- (a) a service pipe;
- (b) a pipe in a gas appliance;
- (c) any valve attached to a storage container or cylinder; or
- (d) service pipework;

“Kenya Bureau of Standards” means the body responsible for standards in Kenya as established under the Standards Act; Cap 496.

“Kenya Standard” means the specification or code of practice provided under the Standards Act; Cap 496.

“landlord” means—

- (a) where the relevant premises are occupied under lease, the person for the time being entitled to the reversion expectant on that lease; and
- (b) where the relevant premises are occupied under licence, the licensor, except that where the licensor is himself a tenant in respect of those premises, it means the person referred to in paragraph (a);

“lease” means—

- (a) a lease for a term of less than seven years;
- (b) a tenancy for a periodic term; and
- (c) any right to occupy the relevant premises during any period in which the execution of an order for eviction from the premises is suspended, but only where the stay of eviction is granted to a person who was a tenant or sub-tenant of the premises under a lease or tenancy referred to in paragraphs (a) or (b), and in determining whether a lease is one which falls within paragraph (a)—
 - (i) any part of the term which falls before the grant shall be left out of account and the lease shall be treated as a lease for a term commencing with the grant;
 - (ii) a lease which is determinable at the option of the lessor before the expiration of seven years from the commencement of the term shall be treated as a lease for a term of less than seven years; and
 - (iii) a lease (other than a lease to which paragraph (b) applies) shall not be treated as a lease for a term of less than seven years if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to seven years or more;

“licensee” means a person who is a holder of a licence issued under these Regulations;

“licensing agent” means a person appointed by the Authority under section 21 of the Energy Act; Cap 314.

“liquefied petroleum gas business” means the importation, exportation, filling, storage, wholesale, retail or transportation of liquefied petroleum gas in bulk, or in cylinders, reticulation as well as internal combustion engine fuels;

“liquefied petroleum gas has the meaning assigned to it in the Act;

“load port” means the immediate previous country of origin where the liquid petroleum gas was loaded for transit to Kenya;

“liquid petroleum gas appliance” means an equipment that utilises liquid petroleum gas for heating, lighting, cooking;

“liquid petroleum gas emergency” means a situation that requires urgent attention to mitigate against injury to persons, loss of life or negative environmental impacts;

“liquid petroleum gas consumer site” means a facility used by a consumer to store bulk liquid petroleum gas for own use;

“liquid petroleum gas cylinder bank” means a centralized storage system for liquid petroleum gas consisting of series of liquid petroleum gas cylinders, piping and fittings to provide an uninterrupted supply of gas to consumers;

“liquid petroleum gas fittings” means gas pipework and components in a pipe network system such as valves (other than emergency controls), regulators and meters, used in the conveyance and control of liquid petroleum gas;

“liquid petroleum gas installation licence” means a licence authorizing a person to carry out installation work for, business, training, or teaching purposes either for gain or reward or for no charge at all;

“liquid petroleum gas installation work” means the work of installing, altering or adding to a liquefied petroleum gas installation and the supervision of such work;

“liquid petroleum gas installation” means the piping system including associated apparatus to be used for purposes of liquid petroleum gas supply or distribution supply line or apparatus placed in, on or over land or a building and used or intended to be used for or for purposes incidental to the conveyance, control or use of liquid petroleum gas supplied or intended to be supplied by a licensee, and includes additions and alterations to an installation;

“liquid petroleum gas installer” means a person licensed to carry out installation work as specified in the licence issued to him;

“liquid petroleum gas recovery equipment” means equipment such as mobile cranes, transfer pumps and compressors and other similar equipment used in the recovery of liquid petroleum gas from a tanker to another;

“metered systems” means a set of equipment and apparatus for the use in conveying which is has means of volumetric measurement;

“mutual cylinder exchange pool” means a contractual arrangement between brand owners who have consented on the exchange of different brands of empty standard capacity cylinders at points of sale;

“online portal” means a web-based platform developed by the Authority for the purpose of providing access for licensees to submit data and apply for licences and permit;

“portable cylinder” means a transportable pressure receptacle conforming to Kenya Standards of a water capacity not exceeding one hundred and fifty litres;

“price build up” means the cost elements of the products, taxes and levies, logistical costs and allowed profit margins necessary to take the unit of the liquid petroleum gas to the consumer.

“public use establishments” means public places open and accessible to large groups of people, such as schools, hospitals, places of worship, malls, markets, and other designated places of public gathering;

“pressure test point” means a fitting to which a pressure gauge can be connected;

“primary meter” means the meter nearest to and downstream of a service pipe or service pipework for ascertaining the quantity of gas supplied through that pipe or pipework by a supplier;

“professional engineer” means a person registered by the Engineers Board of Kenya under the Engineers Act to offer engineering professional services; Cap 530.

“quick response code” means a type of two-dimensional bar code consisting of a matrix of pixels or small squares which shall be used in these Regulations to provide easy access to online information regarding a cylinder through a digital camera on a smart device;

“relevant gas fitting” means —

- (a) any gas appliance (other than an appliance which the tenant is entitled to remove from the relevant premises) or any installation pipework installed in any relevant premises; and
- (b) any gas appliance or installation pipework which, directly or indirectly, serves the relevant premises and which—
 - (i) is installed in any part of the premises in which the landlord has an estate or interest; or
 - (ii) is owned by the landlord or is under his control, but it does not include any gas appliance or installation pipework exclusively used in a part of the premises occupied for non-residential purposes;

“relevant premises” means premises or any part of premises occupied, whether exclusively or not, for residential purposes in consideration of money or money's worth, under—

- (a) a lease; or

(b) a licence;

“responsible person” means —

- (a) in relation to any premises, the occupier or owner of the premises, or operator of the liquid petroleum gas installation at the premises;
- (b) in relation to any facility, the operator or owner of the facility;
- (c) in both cases any person with the authority to make decisions and take appropriate actions in relation to the installations, installation works and operations in the premises or facility of which they have been given authority;

“retail” has the meaning assigned to it in the Act;

“retailer” means a person engaged in retail business;

“reticulation” or “reticulated piped gas system” means a system for supply of liquefied petroleum gas through a network of pipes from a centralized storage point;

“requalification” means the completion of an inspection and the test required to be performed on a cylinder to determine its suitability for continued service and repair in accordance with the Kenya Standard;

“scrappage” means the destruction of a defective cylinder;

“secondary meter” means a volumetric measurement apparatus that is downstream of the primary (main) meter;

“service pipework” means a pipe for supplying gas to premises from a gas storage vessel, being any pipe between the gas storage vessel and the outlet of the emergency control;

“service valve” means a valve other than an emergency control for controlling a supply of gas, being a valve —

- (a) incorporated in a service pipe;
- (b) intended for use by a supplier of gas; and
- (c) not situated inside a building;

“smart meters” means a volumetric measurement apparatus that has inbuilt logic, memory and wireless communication capabilities;

“standard capacity cylinder” means a cylinder with capacity to contain liquid petroleum gas of zero point five, one, three, six and thirteen kilograms net weight and fitted with a unified valve;

“supplier” means —

- (a) a person who conveys liquid petroleum gas through a distribution main;
- (b) a person who supplies liquid petroleum gas to any premises through a primary meter;

- (c) a person who provides a supply of liquid petroleum gas to a consumer by means of the filling or re-filling of a storage container designed to be filled or re-filled with liquid petroleum gas at the place where it is connected for use whether or not such container is or remains the property of the supplier; or
- (d) a person who provides liquid petroleum gas in re-fillable cylinders for use by a consumer whether or not such cylinders are filled or re-filled directly by that person and whether or not such cylinders are or remain the property of that person, but a retailer shall not be deemed to be a supplier when he sells a brand of liquid petroleum gas other than his own;

“technical person” means a person with relevant skills to handle high risk operations in conducting liquid petroleum gas business;

“tenant” means a person who occupies certain premises as a lessee or licensee;

“unauthorized refilling” means the filling of liquid petroleum gas cylinders in acts set out in regulation 46;

“unified valve” means a valve type whose specifications conform to the Kenya Standard;

“upstream emergency control” means of cutting off flow of liquid petroleum gas closer to the main storage tank;

“vehicle” means a motor able equipment used for the conveyance of liquid petroleum gas in bulk or in cylinders on land;

“wholesale” means the business of selling liquefied petroleum gas in bulk or in cylinders to retailers or bulk consumers; and

“wholesaler” means a person engaged in selling of bulk liquefied petroleum gas to retailers or bulk consumers.

3. (1) These Regulations shall apply to the — Application.

- (a) importation of bulk liquid petroleum gas;
- (b) exportation, wholesale and retail of liquid petroleum gas in bulk and in cylinders;
- (c) construction and licencing of liquid petroleum gas installations;
- (d) storage and refilling of liquid petroleum gas in cylinders;
- (e) storage of bulk liquid petroleum gas at an import storage facility;
- (f) storage of bulk liquid petroleum gas at consumer sites;
- (g) storage of bulk liquid petroleum gas for use by schools and institutions of learning;
- (h) transportation of liquid petroleum gas in bulk and in cylinders;

- (i) sale of liquid petroleum gas through smart meters;
 - (j) sale of liquid petroleum gas through metered systems in a reticulated system; and
 - (k) liquid petroleum gas for internal combustion engines (Autogas); and
 - (l) liquid petroleum gas installation works.
- (2) These Regulations shall not apply to the Kenya Defence Forces.

PART II—LICENCE APPLICATION

4. (1) A person who wishes to undertake liquefied petroleum gas business shall make an application for a licence to the Authority or its licensing agents in the Form VI set out in the First Schedule.

Licence application.

(2) The application in sub-regulation (1) shall be submitted with proof of payment of the fees set out in the Second Schedule together with the documents specified in the Fourth Schedule.

5. A licence for a liquefied petroleum gas business shall be valid for—

Duration of licence.

- (a) in the case of a jetty, pipeline, bulk liquid petroleum gas storage facility, cylinder refilling plant and liquid petroleum gas reticulation system, three years from the date of issue;
- (b) in the case of retail of liquid petroleum gas in cylinders, two years from the date of issue;
- (c) in the case of Autogas retail station, two years from the date of issue;
- (d) in the case of a business to transport liquid petroleum gas in bulk or in cylinders, two years from the date of issue;
- (e) in the case of a business to import liquid petroleum gas in bulk, two years from the date of issue; and
- (f) in the case of a business to export or wholesale liquid petroleum gas in bulk or in cylinders, two years from the date of issue.

6. (1) An application for the renewal of a liquid petroleum gas business licence shall be made at least thirty days prior to the expiry of the licence.

Licence renewal.

(2) The application in sub-regulation (1) shall be submitted together with the documents set out in the Fifth Schedule and proof of payment of the fees set out in the Second Schedule.

7. A wholesaler, retailer or operator of an bulk storage facility, shall ensure that storage of liquid petroleum gas cylinders or in bulk meets the minimum distance requirements as specified in the relevant Kenyan Standards between the liquid petroleum gas cylinders or liquid petroleum gas Bulk Storage Vessel from buildings, public thoroughfares or sidewalks, roads, line of adjoining property occupied by a school, church, hospital, athletics

Minimum distance requirements for liquid petroleum gas bulk storage.

field, any other place of public gathering, or premises where there are ignition sources present.

8. (1) Every licensee in respect of liquid petroleum gas jetty, bulk storage facility, liquid petroleum gas refilling plant, transport of liquid petroleum gas in bulk and in cylinders, autogas retail stations and reticulation, shall attain and demonstrate on request by the Authority, competence to run such a facility and undertake the activities.

Competence and training.

(2) The responsible person of such an undertaking shall prior to obtaining a permit or licence demonstrate to the Authority —

- (a) evidence of operational knowledge of liquid petroleum gas, its hazards and handling;
- (b) evidence of capability and preparedness to meet the safety requirements in liquid petroleum gas operations, its transportation and accident prevention during transportation;
- (c) proof of training of a minimum of four employees in the safe handling of liquid petroleum gas in an institution approved by the National Industrial Training Authority;
- (d) how the applicant shall maintain and adhere to a training schedule for staff on the safe handling of equipment or product;
- (e) evidence of the qualification criteria to be used for recruitment of technical staff; and
- (f) how emergency situations and consumer complaints shall be attended to.

PART III—LIQUID PETROLEUM GAS INSTALLATION WORKS AND INSTALLER’S LICENCE

9. (1) Liquid petroleum gas installation works shall include the design, construction, commissioning, operation, and maintenance of liquid petroleum gas storage, supply pipelines and equipment for —

Liquid petroleum gas installation.

- (a) installation of any bulk liquid petroleum gas storage tanks;
- (b) liquid petroleum gas cylinder refilling system;
- (c) liquid petroleum gas reticulation system;
- (d) liquid petroleum gas storage and pipe work at public use establishments;
- (e) liquid petroleum gas installation work at the premises of any consumer; and
- (f) autogas facilities and Autogas retrofitting on a motor vehicle.

(2) No person shall carry out the liquid petroleum gas installation works in sub regulation (1) unless such a person has obtained the relevant class of the liquid petroleum gas installer’s licence as listed hereunder—

- (a) fitter’s licence (Class C-2);

- (b) technician's licence (Class C-1);
- (c) engineer's licence (Class B-1);
- (d) installation contractor's licence (Class A-2); and
- (e) design and installation contractor's licence (Class A-1).

(3) A person who wishes to be designated as a liquid petroleum gas installer shall make an application to the Authority through the online portal provided by the Authority and attach the documents specified in the Fourth Schedule and proof of payment of the fees set out in the Second Schedule.

(4) A person who wishes to be designated as an installation contractor (Class A-2) or a design and installation contractor (Class A-1), shall be a contractor registered with the National Construction Authority under the relevant category as set out in the Ninth Schedule.

(5) The Authority shall review the application in sub-regulation (3) within thirty days.

(6) Where the application in sub-regulation (3) is successful, the Authority shall issue the licence which shall be valid for a period of three years.

(7) Where the application in sub-regulation (3) is unsuccessful, the Authority shall provide reasons for rejection of the application.

(8) The requirements of this regulation shall not apply in respect of—

- (a) the replacement of a hose or regulator on a portable liquid petroleum gas cylinder; or
- (b) the replacement of a hose connecting a re-fillable portable cylinder to installation pipework.

(9) A person who carries out liquid petroleum gas installation works without a valid licence commits an offence and shall upon conviction be liable to a fine of twenty thousand shillings for every works done.

10. (1) A person shall only perform the scope of works for which they have been approved by the Authority.

Approved scope of work.

(2) The responsible person of any premises shall ensure that liquid petroleum gas installation work in their premises is—

- (a) carried out by a licensed liquid petroleum gas contractor or installer and after completion, completion of work certificates are issued by the installer or contractor;
- (b) tested and inspected periodically and maintain records of any defects being remedied and test certificates issued.

11. (1) A licensee under these Regulations shall use materials, fittings, pipes, tanks or any other material required for the safe containment of liquid petroleum gas or installations which comply to the applicable Kenya Standard and engineering best practices.

Materials and workmanship.

(2) A person shall not install in a building any pipe or pipe fitting for use in the supply of liquid petroleum gas which is—

- (a) made of lead or lead alloy; or
- (b) made of a non-metallic substance unless it—
 - (i) complies to standards approved by Kenya Bureau of Standards for use in liquid petroleum gas installations; or
 - (ii) is a pipe connected to a readily movable liquid petroleum gas appliance.

(3) A licensee under these Regulations shall carry out liquid petroleum gas installation works to meet the requirements of the applicable Kenyan laws, codes, standards, and guidelines.

12. (1) A licensee shall, prior to any installation works, issue to the responsible person, a commencement of work notice in the form set out in the Tenth Schedule.

Requirement of work commencement notice.

(2) Where there is a change of the licensed installer undertaking the installation, a fresh commencement of work notice in sub-regulation (1) shall be issued.

(3) Upon completion of installation works, a licensee shall—

- (a) issue ‘as built’ schematics and drawings to the responsible person;
- (b) train the responsible person on basic operating procedures for the installation and provide user manuals where applicable.

(4) Commencement of work notice and completion of work certificates shall be generated by an installer licensed under these Regulations on an online portal provided by the Authority and shall be signed by the licensed installer who was in charge of the installation.

(5) Where the Authority notices from the completion of works certificate and pressure test records that an installation does not meet the requirements, the Authority shall require the installer to make good the defects at his own cost within sixty days of the notice.

(6) Where the installer fails to make good the defect under sub-regulation (5), the Authority may suspend or revoke the licence.

13. (1) An installer shall at all times undertake his work professionally and act in accordance with the applicable code of practice and standards approved by Kenya Bureau of Standards or guidelines issued by the Authority.

Duty of care and insurance.

(2) A Class A-2 and A-1 Contractor shall take and maintain Work Injury Benefits insurance cover for their employees and agents.

PART IV—IMPORT, WHOLESALE, EXPORT AND RETAIL OF LIQUID PETROLEUM GAS IN BULK AND IN CYLINDERS

14. A person who wishes to carry out liquid petroleum gas import business shall obtain an import licence from the Authority.

Importation of bulk liquefied petroleum gas.

15. (1) A person licensed to import liquid petroleum gas shall within twenty-four hours prior to the arrival of the bulk liquid petroleum gas at a point of entry, declare to the Authority —

Obligations of importer.

- (a) the load port of the bulk liquid petroleum gas;
- (b) the total quantity of the bulk liquid petroleum gas in metric-tonnes; and
- (c) the final destination point of the bulk liquid petroleum gas whether in Kenya or export.

(2) All imported bulk liquid petroleum gas shall meet the standards specified by the Kenya Bureau of Standards.

(3) Where the bulk liquid petroleum gas fails to meet the Kenya Standard or any other standard specified by the Kenya Bureau of Standards, the importer shall return the bulk liquid petroleum gas to the load port at their cost.

(4) Where the importer fails to return the bulk liquid petroleum gas specified in sub-regulation (3) to the load port, the Authority may order the destruction of the bulk liquid petroleum gas at the cost of the importer.

(5) An importer shall submit to the Authority on or before the tenth day of each calendar month the following information relating to the preceding month —

- (a) total quantity in metric-tonnes of bulk liquid petroleum gas imported;
- (b) the source of the imported bulk liquid petroleum gas; and
- (c) total quantity in metric-tonnes of bulk liquid petroleum gas sold in the local market by sector.

(6) An importer of liquid petroleum gas shall not supply the gas in bulk to any person unless such a person is a bulk liquid petroleum gas licensee or such a person is a bulk liquid petroleum gas consumer for own use.

(7) An importer shall terminate the supply of liquid petroleum gas to a bulk consumer where it is established that the consumer is undertaking refilling for resale or trades in the bulk liquid petroleum gas without the requisite licence required under the Act.

(8) Where an importer establishes that a bulk consumer is engaged in the trade of bulk liquid petroleum gas, he shall notify the Authority within twenty-four hours of such discovery.

16. (1) A person shall not sell liquid petroleum gas under wholesale terms or export liquid petroleum gas in bulk unless such a person has obtained a wholesale and export licence from the Authority.

Obligations of a holder of a bulk liquid petroleum gas wholesale and export licence.

(2) A person licensed to wholesale and export liquid petroleum gas shall submit to the Authority on or before the 10th day of each calendar month the following information relating to the preceding month—

- (a) total quantity in metric-tonnes of bulk liquid petroleum gas bought;
- (b) list of bulk liquid petroleum gas sales to end-consumers indicating the quantity in kilograms, dates and places of delivery;
- (c) where the liquid petroleum gas in bulk was exported, the name of the destination country, quantity in metric-tonnes of the consignment, registration of the transportation vehicle or vessel and date of exit from Kenya of the export consignment.

17. (1) A person shall not undertake wholesale of liquid petroleum gas in cylinders belonging to another brand owner without the prior written consent from the brand owner.

Consent by brand owner for wholesale of cylinders.

(2) The consent in sub-regulation (1) shall be submitted to the Authority.

(3) A licensee for wholesale of liquid petroleum gas in cylinders shall not stock or offer for sale liquid petroleum gas cylinders that do not conform to the Kenya Standard.

(4) No licensee, employee or their agent shall buy for resale liquid petroleum gas in cylinders from a person who is not licensed by the Authority.

18. (1) A person shall not undertake the business of retail of liquid petroleum gas cylinders belonging to another brand owner without the prior written consent from the brand owner or the brand owner's authorised agent.

Retail of liquefied petroleum gas in cylinders.

(2) The consent in sub-regulation (1) shall be submitted to the Authority.

(3) A person licensed to undertake the business of retail of liquid petroleum gas in cylinders shall not stock or offer for sale liquid petroleum gas cylinders that do not conform to the Kenya Standard.

(4) A person licensed to retail liquid petroleum gas in cylinders shall ensure that—

- (a) there is a working fire-extinguisher of the appropriate type as specified in the Kenya Standards; and
- (b) emergency contacts for the local fire-brigade, the police and that of the Authority are displayed conspicuously at the location where the liquid petroleum gas is retailed.

19. (1) A person being a wholesaler or retailer shall not store liquid petroleum gas in cylinders—

Storage and display of liquid petroleum gas in cylinders.

- (a) in an enclosed and poorly ventilated space; or
- (b) in basement or ground floor of a building.

(2) Liquid petroleum gas in cylinders shall be stored and displayed as prescribed by the Kenya Standards.

20. (1) A person licensed to wholesale or retail liquid petroleum gas in cylinders shall maintain records of each cylinder that is purchased or sold which shall include the following information—

Record keeping and cylinder tracking.

- (a) cylinder brand;
- (b) serial number or quick response code of the cylinder;
- (c) serial number or quick response code of the seal;
- (d) net weight in kilograms of the cylinder; and
- (e) unit and total price of the transaction indicating the cylinder deposit where applicable.

(2) In addition to the information in sub-regulation (1), a person licensed to wholesale or retail liquid petroleum gas in cylinders shall maintain the following records—

- (a) in the case of purchase of the liquid petroleum gas in cylinders—
 - (i) name, address and telephone number of the seller; and
 - (ii) date of the purchase;
- (b) in the case of sale of the liquid petroleum gas in cylinders—
 - (i) name, address and telephone number of the buyer; and
 - (ii) date of the sale.

(3) A person licensed to wholesale or retail liquid petroleum gas in cylinders, shall issue a receipt at the point of sale which shall include the information in sub-regulation (1) and (2).

(4) The records under this regulation shall be maintained for at least twenty-four months.

(5) A person licensed to wholesale or retail liquid petroleum gas in cylinders, shall subscribe to the central tracking system to perform the obligations in sub-regulations (1) and (2).

(6) The records of the transactions in sub-regulation (1) and (2) shall be submitted to the Authority's online portal at the point of recording a sale or a purchase by the respective parties independently.

(7) A person who fails to keep records as required by this regulation commits an offence and shall upon conviction be liable to a fine of twenty thousand shillings per transaction.

21. A person who wishes to export liquid petroleum gas in cylinders shall obtain prior written consent from the brand owner and such consent shall be submitted to the Authority for approval.

Consent of brand owner before export of liquid petroleum gas cylinders.

22. A licensed brand owner, liquid petroleum gas refilling plant, wholesaler and retailer shall, in the conduct of its business, develop and enforce—

Obligation of a liquid petroleum gas undertaking.

- (a) a code of conduct for refilling plant operators, distributors, transporters and appointed stockists; and

- (b) a system to monitor and control un-authorised refilling and unauthorised brand infringement.

PART V—LIQUID PETROLEUM GAS FOR INTERNAL
COMBUSTION ENGINES – AUTOGAS

23. This Part shall apply to—

Application.

- (a) liquid petroleum gas used in internal combustion engines either totally or partially;
- (b) the installation and certification of autogas equipment and retrofit systems on motor vehicles;
- (c) construction of autogas retail dispensing site; and
- (d) sale and operations of autogas in a retail dispensing site.

24. (1) A person shall not construct an autogas retail dispensing site without a construction permit from the Authority.

Construction permit.

(2) The application for the construction permit in sub-regulation (1) shall be submitted through the online portal provided by the Authority—

- (a) in Form I set out in the First Schedule; and
- (b) accompanied by the documents specified in the Fourth Schedule and proof of payment of the fees set out in the Second Schedule.

(3) The Authority shall review the application in sub-regulation (2) within forty- five days.

(4) The Authority shall issue the permit where an application under sub -regulation (2) is successful.

(5) Where the application in sub-regulation (2) is unsuccessful, the Authority shall give reasons for the rejection.

(6) A person who constructs an autogas retail dispensing site without the requisite permit as set out in sub-regulation (4) commits an offence and shall, upon conviction, be liable to a fine of not more than one million shillings.

25. (1) A person who wishes to operate an autogas retail dispensing site shall apply for an operation licence from the Authority.

Operation licence.

(2) The application for the licence in sub-regulation (1) shall be submitted through the online portal provided by the Authority and shall be—

- (a) in Form VI set out in the First Schedule;
- (b) accompanied by the documents specified in the Fourth Schedule; and
- (c) accompanied by proof of payment of the fees set out in the Second Schedule.

(3) The Authority shall, before issuance of an operational licence, carry out a pre-licensing inspection to satisfy itself that the construction has been undertaken in line with the approved design.

(4) The Authority shall review the application in sub-regulation (2) within thirty days.

(5) Upon review of the application, the Authority may —

- (a) issue the licence; or
- (b) reject the application giving reasons for the rejection.

(6) A person who operates an autogas retail filling station without the licence as set out in sub-regulations (1) and (2) commits an offence and shall, upon conviction, be liable to a fine of one million shillings.

26. (1) An operator of an autogas retail dispensing site shall put in place traffic control measures to ensure that the operations of the site do not cause obstruction to road users.

Operations,
obligations and
penalties.

(2) An autogas retail licensee shall train the autogas dispenser attendants and truck offloading staff on—

- (a) the handling of liquid petroleum gas refilling operations to a motor vehicle and tanker offloading to the station's storage; and
- (b) firefighting and first aid skills; and

(3) An autogas attendant shall, before undertaking motor vehicle refilling operations, confirm that the vehicle has a valid conversion certificate and that it was converted in an authorized conversion centre.

(4) An autogas retail licensee shall ensure that the person in charge of the station is proficient in at least one official language.

27. (1) A licensee shall ensure that the meter used at the autogas retail dispensing site has —

Autogas meters
and display of unit
price.

- (a) been type-approved by the body responsible for weights and measures;
- (b) has undergone annual or any other such periodic recalibration by competent person appointed by the body responsible for weights and measures; and
- (c) where required, repair of such meters is done by a competent person approved by the body responsible for weights and measures.

(2) An autogas retail dispensing site licensee shall display the unit price in Kenya Shillings per litre.

28. (1) A person may have the same location for both conventional liquid motor fuels and storage, and sale of provided that the construction and operations of the station complies to the requirements of applicable the Kenya Standards.

Co-location.

(2) A person shall, before construction of or addition of an autogas retail dispensing site to an existing fuel station, apply for a construction permit and a license from the Authority.

29. (1) An autogas licensee shall ensure that the liquid petroleum gas stored and dispensed at the refilling station meets the quality parameters as set in the Kenya Standards.

Quality of
Autogas.

(2) The Authority may, in consultation with the Kenya Bureau of Standards take samples from the autogas refilling station for testing to confirm conformity of the liquid petroleum gas to the applicable quality standards.

(3) A person who dispenses liquid petroleum gas that does not meet the required quality commits an offence and shall, upon conviction, be liable to the fine set out under section 92 (2) (b) of the Act;

(4) The Authority may suspend the licence where it determines that a person has contravened the provisions set out in this Regulation.

30. (1) An installer shall ensure that the autogas retrofit system installed on a motor vehicle—

Liquid petroleum
gas installer's
obligations.

- (a) complies with the requirements of the applicable Kenya Standards;
- (b) has been inspected by a person licensed under the Occupational Safety and Health Act;
- (c) is safe to be installed in such a motor vehicle; and
- (d) is suitable for use for such a motor vehicle.

Cap 236A.

(2) The liquid petroleum gas installer who installs the autogas retrofit system on motor vehicles shall—

- (a) carry out the installation of the autogas retrofit system in accordance with the applicable codes of practice and standards approved by Kenya Bureau of Standards or guidelines issued by the Authority;
- (b) comply with the instructions of the manufacturer; and
- (c) issue a certificate indicating the name of liquid petroleum gas installer and conversion centre.

(4) The liquid petroleum gas installer shall provide a retrofitted motor vehicle owner with an operations manual which shall include the information prescribed in the Kenya Standard.

(5) The owner of a motor vehicle which has been retrofitted shall ensure that the certificate of retrofitting is present in the motor vehicle at all times.

PART VI—LIQUID PETROLEUM GAS CYLINDERS

31. (1) A person shall not acquire or manufacture a standard capacity cylinder and valve for use in Kenya if the cylinder and the valve do not conform to the Kenya Standards provided that where a liquefied petroleum gas consumer acquires a cylinder from a licensee, the obligation to ensure conformity of the cylinder and the valve shall lie with the licensee.

Acquisition of
new liquid
petroleum gas
cylinders and
valves.

(2) A person who acquires a new liquid petroleum gas cylinder for the purpose of putting it in the market shall declare such an acquisition to the Authority not later than one calendar month from the date of acquisition.

(3) The declaration made in sub-regulation (2) shall include the—

- (a) capacity and number of imported or locally manufactured liquid petroleum gas cylinders;
- (b) landed cost of the liquid petroleum gas cylinders inclusive of all taxes for imported cylinders or ex-factory cost inclusive of all taxes for locally manufactured cylinders;
- (c) manufacturer's name and the country of origin of the cylinders; and
- (d) serial number for each cylinder.

32. (1) No person shall print, stick, emboss any mark on liquid petroleum gas cylinder as a trademark for sale of liquid petroleum gas without the approval of the liquid petroleum gas brand from the relevant statutory body.

Brand registration.

(2) An application for liquid petroleum gas cylinder brand registration shall be submitted in the form set out in the First Schedule accompanied by the documents specified in the Fourth Schedule.

(3) No person shall infringe on the brand of another brand owner.

(4) A person who trades in a liquid petroleum gas cylinder business without a certificate of brand registration from the Authority commits an offence and shall be liable on conviction to a fine of five hundred shillings for every cylinder sold by him.

33. (1) A liquid petroleum gas cylinder shall, at all times, have the brand owner's distinguishing colour and mark.

Cylinder marking.

(2) The cylinder shall be clearly and indelibly labelled with—

- (a) the owner's brand name;
- (b) the cylinder's serial number;
- (c) name of manufacturer;
- (d) the date of manufacture;
- (e) the date of the last requalification and name of the requalifying plant;
- (f) name of the product;
- (g) water capacity of the cylinder;
- (h) tare weight;
- (i) net weight;
- (j) gross weight;

- (k) pressure test values of the cylinder; and
- (l) the words “Cylinder not for sale”, “Property of Company XYZ”, and “Returnable for Deposit.”.

34. (1) The brand owner whose permanent mark appears on the liquid petroleum gas cylinder shall be the presumed owner, irrespective of the party in custody or possession of the cylinder.

Liquid petroleum gas cylinder ownership.

(2) The brand owner shall have the obligation to ensure that its refilled liquid petroleum gas cylinders comply with all required quality and safety standards and specifications before the cylinders are released for sale and distribution.

35. (1) A liquid petroleum gas pressure vessel, liquid petroleum gas road tanker or liquid petroleum gas cylinder manufactured locally or imported shall be inspected for conformity to Kenya Standards prior to use and periodically as set out in the Kenya Standards.

Inspection.

(2) The inspection in sub-regulation (1) shall include the requirements set out in the Occupational Safety and Health Act.

Cap 236A.

(3) The owner or brand owner shall maintain the inspection records for the lifetime of the pressure vessel.

(4) A person, in the process of discharging or refilling liquid petroleum gas into any pressure vessel shall satisfy himself of the validity of the inspection status of the pressure vessel.

36. (1) A brand owner or an authorized distributor may require the consumer to effect a deposit as a guarantee for the restitution of a portable cylinder delivered.

Portable liquid petroleum gas cylinder deposit.

(2) Where a deposit in regulation (1) has been collected by the brand owner—

- (a) it shall be a maximum of the amount set in the Sixth Schedule for each portable cylinder delivered;
- (b) a brand owner shall keep a separate deposit account for every deposit amount collected from a consumer;
- (c) the total deposit collected by brand owner in sub-regulation (1) shall be declared in the audited accounts every end of a financial year and shall not be less than eighty per-cent of the total cylinder count as declared to the Authority in the previous financial year.

(3) Where the brand owner opts to take no cylinder deposit or a lesser amount than that stipulated in the Sixth Schedule, such information shall be made public.

37. (1) The brand owner or authorized distributor shall reimburse to the consumer or any other person acting on his behalf, the amount deposited upon the permanent return for the purposes of restitution of the liquid petroleum gas cylinder referred to in regulation 36 or for a higher amount paid before the coming into force of these Regulations where a receipt indicating such higher amount is availed,

Permanent restitution and refund of deposit.

including when such receipts have been issued prior to the entry into force of these Regulations.

(2) A brand owner or his authorized distributors and agents shall maintain accurate records of the details of persons who return the portable cylinder for restitution of the deposit in sub-regulation (1).

(3) The brand owner or his authorized distributor shall reimburse to the final consumer the amount of cylinder deposit stated in the Sixth Schedule for the permanent restitution of a portable cylinder delivered by such final consumer whether or not the person is in possession of a receipt.

(4) The brand owner or his authorized agent shall report to the Authority any suspicious return of a liquid petroleum gas cylinder for reimbursement of the cylinder deposit.

(5) The cylinder deposit reimbursable for the permanent return of liquid petroleum gas cylinder to the brand owner or agent, shall in all cases be of the amount stated in the Sixth Schedule.

(6) The consumer shall not be liable to deduction on his deposit for the degradation of the cylinder.

(7) The deposit referred to under this regulation shall be refunded by the brand owner or through his agent.

(8) A brand owner or his authorized distributor may recall or collect a liquid petroleum gas cylinder from any person in possession of such cylinders where—

- (a) the liquid petroleum gas cylinder requires requalification;
- (b) the liquid petroleum gas cylinder is un-attended; and
- (c) the liquid petroleum gas cylinder is being mishandled.

(9) Where a brand owner recalls or collects their liquid petroleum gas cylinders in accordance with sub-regulation (8) they shall replace the cylinder with another cylinder of good condition or reimburse the cylinder deposit.

(10) A brand owner who intends to recall liquid petroleum gas cylinders from a person under sub-regulation (8) shall seek prior approval from the Authority.

(11) A person who, not being a final consumer, hinders the brand owner from accessing and collecting a liquid petroleum gas cylinder commits an offence and shall upon conviction be liable to the general penalty set out under section 124 of the Act.

38. (1) A brand owner shall own a minimum of thirty thousand liquid petroleum gas cylinders of standard capacity.

Minimum number of liquid petroleum gas cylinders for brand owners.

(2) An existing licensee who has less than the required minimum of thirty thousand cylinders as at the time of coming into force of these regulations shall progressively build the number of liquid petroleum

gas cylinders to the required minimum by the third year of the effective date of these Regulations.

(3) The brand owner shall on an annual basis declare to the Authority the total number of liquid petroleum gas cylinders under their brand.

(4) A brand owner who fails to declare the number of cylinders under their brand as required under this regulation commits an offence and shall upon conviction be liable to the general penalty set out under section 124 of the Act.

39. (1) A person shall not export portable liquid petroleum gas cylinders without the express approval from the Authority.

Export of liquid petroleum gas cylinders.

(2) The application in sub-regulation (1) shall be submitted through the online portal provided by the Authority together with the documents specified in the Seventh Schedule.

(3) The Authority shall issue an approval if satisfied with an application made in accordance with sub-regulation (2).

40. (1) The Authority shall establish a central tracking system for liquid petroleum gas cylinders for the ease of tracking purchases and sales of liquid petroleum gas in cylinders and submission of the information required under the Act and these Regulations.

Liquid petroleum gas cylinder tracking system.

(2) The central cylinder tracking system shall be for the standard capacity cylinders as specified by the Kenya Standards.

(3) The Authority shall issue seal numbers to be applied on liquid petroleum gas cylinder refills to a brand owner upon a request in the form set out in the Eighth Schedule.

(4) The brand owner shall, before refilling, order all the seal numbers required for at least thirty days in advance.

(5) Each filled liquid petroleum gas cylinder shall have its serial number paired with the seal number issued by the Authority.

(6) The pairing of the seal number in sub-regulation (5) and liquid petroleum gas cylinder serial number shall validate a genuine refill.

(7) The brand owner or his agent shall maintain a record of—

- (a) all supplied seals;
- (b) all utilized seals per cylinder capacity;
- (c) all damaged seals; and
- (d) the balance of un-utilized seals.

(8) A person shall maintain the records of the issued seal numbers and the liquid petroleum gas cylinder serial number during any sale or transfer of a refilled cylinder.

(9) A wholesaler, distributor or retailer shall not sell or display a portable cylinder whose details cannot be traced in the Authority's register through the seal numbers.

(10) A person shall not reproduce seal numbers other than those issued by the Authority or its authorized agent with an intention to deceive another trader or consumer.

(11) The Authority may confiscate any liquid petroleum gas cylinder that does not bear a valid seal number and cylinder pairing as recorded in the Authority's central register of refilled cylinders.

(12) The records in sub-regulation (7) submitted to the Authority shall be maintained in a register that can be inspected by consumers to verify valid liquid petroleum gas cylinder re-fill.

(13) The register in sub-regulation (12) shall be accessible and available for inspection by the consumers and the general public by means of an appropriate technology.

41. Every brand owner shall—

Obligations of a
brand owner.

- (a) ensure that its cylinders meet the applicable Kenya Standards;
- (b) ensure that its cylinders are in a good state of repair and are requalified in accordance with the Kenya Standard;
- (c) ensure that after requalification, the liquid petroleum gas cylinder is inspected and certified by an approved person;
- (d) maintain a list of its authorized re-filling agents, wholesalers, retailers and cylinder requalification agents;
- (e) maintain the records of serial numbers or quick response codes and date of requalification of each cylinder;
- (f) maintain the serial numbers and date of sale of each cylinder;
- (g) ensure cylinders are tracked by use of the recommended tracking system by the Authority;
- (h) provide the relevant training and any relevant information to its approved refilling agents, wholesalers and retailers on the safe storage and handling of cylinders;
- (i) train the authorized re-filling agents, wholesalers and retailers on liquid petroleum gas handling, storage and transport requirements of dealing with the cylinder;
- (j) make aware to the authorized re-filling agents, wholesalers and retailers the structures for the management of cylinder deposit;
- (k) ensure that the authorized re-filling agents, wholesalers and retailers comply with directions of Authority issued to the brand owner;
- (l) develop and maintain emergency preparedness plans in the event of product recalls, safety incidents, or large-scale accidents involving liquid petroleum gas cylinders;
- (m) ensure the authorized re-filling agents, wholesalers and retailers are aware of the emergency plans and emergency contacts in sub regulation (l);

- (n) ensure that cylinders are affixed with a notice informing consumers on the safe use, storage and handling of liquefied petroleum gas as prescribed in the Eleventh Schedule; and
- (o) obtain an appropriate public liability insurance cover against injuries to liquid petroleum gas consumers or third parties caused by defective liquid petroleum gas cylinders.

42. (1) Every brand owner shall take out a public liability insurance to cover damage, injuries or liability to liquid petroleum gas consumers or third parties that may result from a defective liquid petroleum gas cylinder.

Public liability insurance.

(2) A brand owner who contravenes sub-regulation (1) above commits an offence and shall be liable upon conviction to a fine of ten shillings per cylinder for the population declared to the Authority under sub-regulation (1).

43. (1) The brand owner shall ensure that its liquid petroleum gas cylinders are requalified within eight years after the date of manufacture.

Liquid petroleum gas cylinder requalification.

(2) The requalification in sub-regulation (1) shall include complete de-valving for repairs, re-valving, pressure testing and repainting.

(3) Where a liquid petroleum gas cylinder has not passed inspection and is deemed not to conform to the Kenya Standards, the brand owner shall immediately remove it from circulation and within three months scrap or otherwise dispose the cylinder without delay so as to make it unusable as a liquid petroleum gas cylinder.

(4) A brand owner who fails to undertake the actions in sub-regulation (3) commits an offence and shall be liable upon conviction to a fine of twenty thousand shillings per offence.

44. (1) A person conducting liquid petroleum gas cylinder business or liquid petroleum gas cylinder accessories business shall ensure that the accessories meet the applicable Kenya Standards.

Liquid petroleum gas accessories.

(2) A person who contravenes sub-regulation (1) commits an offence and shall, upon conviction, be liable to a fine of ten thousand shillings.

45. (1) The Authority shall issue an order to a brand owner to requalify all or part of the owner's liquid petroleum gas cylinders under any of the following cases—

Order to requalify.

- (a) when a batch or all the liquid petroleum gas cylinders belonging to a brand owner or from a particular manufacturing plant or process are reported to have failed quality tests;
- (b) when the quality control method and organization for inspection do not conform to the technical standards specified by Kenya Bureau of Standards;
- (c) where the inspection was not conducted by an approved person; and

- (d) where liquid petroleum gas cylinders have not been requalified within eight years.

(2) A brand owner who fails to requalify the cylinders as required under sub-regulation (1) commits an offence and shall be liable on conviction to a fine of two thousand shillings per cylinder not requalified.

46. (1) The following acts constitute the unauthorized refilling of liquid petroleum gas cylinders—

Prohibition
against un-
authorised
refilling.

- (a) refilling of a cylinder by a person or entity other than the brand owner or refilling of a cylinder without the prior written consent from the brand owner provided that such consent shall have been submitted to the Authority;
- (b) refilling of a cylinder that—
 - (i) does not bear the embossed markings of the brand or trade name; or
 - (ii) is defaced, tampered with or bears illegible markings;
- (c) refilling of a cylinder that is due for repair, requalification or scrappage;
- (d) refilling of a cylinder directly from a bulk liquefied petroleum gas road transport vehicle;
- (e) decanting of liquefied petroleum gas from one cylinder to another cylinder save for safety reasons;
- (f) refilling of a cylinder from a facility or such other source that is not licensed by the Authority or its licensing agents;
- (g) refilling of a cylinder with a product or substance other than liquefied petroleum gas;
- (h) refilling of a cylinder with liquefied petroleum gas that does not conform to the Kenya Standard;
- (i) refilling of a cylinder with a quantity of liquefied petroleum gas that does not meet the capacity of the cylinder;
- (j) possession of a seal bearing a similar marking to another brand owner without written consent from the brand owner and such consent submitted to the Authority;
- (k) sale of a filled cylinder without a seal bearing a unique seal identifier issued by the Authority; and
- (l) wholesale or retail of filled cylinders belonging to another brand owner without written consent from the brand owner and such consent submitted to the Authority.

(2) A person who commits the acts in sub-regulation (1) commits an offence and shall upon conviction be liable to the general penalty set out under section 124 of the Act.

- | | |
|---|---|
| <p>47. A person who—</p> <ul style="list-style-type: none"> (a) has in his possession or control in the course of trade, any unauthorizedly refilled liquid petroleum gas cylinder; (b) refills or causes to refill without authorisation in the course of trade, any liquid petroleum gas cylinder; (c) sells, hires out, barter, offers or exposes for sale, hiring out any refilled liquid petroleum gas cylinder without authorisation; (d) exposes or exhibits for the purposes of trade any liquid petroleum gas cylinder refilled without authorisation; (e) distributes liquid petroleum gas cylinder refilled without authorisation for purposes of trade or any other purpose; (f) imports into, transits through, tranships within or exports from Kenya any liquid petroleum gas cylinder refilled without authorisation; (g) hoards another brand owner's liquid petroleum gas cylinder with intention of restricting circulation of that brand owner's cylinder; (h) has in his possession or control in the course of trade any labels, stickers, security seals, documentations or packaging of any type or nature, with a deceptive mark applied thereto, the use of which is likely to cause confusion, to cause mistake, or to deceive other traders or consumers that the liquid petroleum gas refilled in a cylinder has been done by the brand owner or his appointed agent; or (i) wilfully damages, re-brands or sabotages another brand owner's liquid petroleum gas cylinder; <p>commits an offence and shall, upon conviction, be liable to the general penalty set out under section 124 of the Act.</p> | <p>Prohibited trade practices.</p> |
| <p>48. (1) Any of the following acts where performed without the written consent from the brand owner shall constitute wilful damage of a cylinder—</p> <ul style="list-style-type: none"> (a) altering the brand name, symbol or any marking on the cylinder; (b) defacing or altering the shape of the cylinder; (c) removing or replacing a valve or a safety relief valve; (d) scrapping of an empty cylinder; or (e) repair or maintenance of a cylinder. <p>(2) A person who wilfully destroys another person's cylinder commits an offence and shall upon conviction be liable to a fine of five thousand shillings per cylinder.</p> | <p>Prohibition against wilful damage to another person's cylinders.</p> |
| <p>49. (1) A brand owner who wishes to operate under a mutual cylinder exchange system shall—</p> | <p>Mutual Cylinder Exchange System.</p> |

- (a) enter into a mutual cylinder exchange agreement with other interested parties; and
- (b) apply in writing to the Authority for approval and attach —
 - (i) a copy of the mutual cylinder exchange agreement; and
 - (ii) an approval for the mutual cylinder exchange system from the Competition Authority of Kenya.

(2) Members of a mutual cylinder exchange System may apply to the Authority to be recognized as a self-regulated organization.

(3) The Authority shall satisfy itself that the agreement in sub regulation (1) (a) is not discriminatory and does not distort market competition.

(4) Where the Authority rejects the application, the Authority shall communicate to the applicant in writing, of the decision and the reasons for the rejection.

(5) Where the Authority approves the agreement, the Authority shall communicate to the applicant in writing.

(6) Parties to a mutual cylinder exchange agreement shall apply in writing to the Authority for approval—

- (a) whenever a new party becomes a signatory to the mutual cylinder exchange agreement;
- (b) at the lapse of two years from the date of the immediate last approval of the mutual cylinder exchange system.

(7) The application in sub regulation (6) shall be accompanied by the documents specified in sub regulation (1)(b).

50. (1) The Authority may appoint a brand caretaker in respect of a distressed brand owner to facilitate collection of cylinders from the market and refill the cylinders for such period as the Authority may determine.

Brand caretaker.

(2) A licensee granted brand-caretaker status shall not gain ownership rights over the brand or the cylinders.

(3) The appointed brand-caretaker shall be subject to such conditions issued by the brand owner, statutory administrator or liquidator as the case may be, provided it is done in consultation with the Authority.

(4) In granting the status in sub-regulation (1) the Authority shall issue conditions as deemed suitable.

(5) Nothing in this regulation shall relieve the brand owner or his legally appointed agent the responsibility to refund cylinder deposit when so required by the consumer.

51. (1) A brand caretaker shall be appointed on application by the brand owner or another licensee or by the Authority where a brand owner has failed to refill his cylinders for more than six months consecutively.

Appointment of brand caretaker.

(2) The application in sub-regulation (1) shall be submitted through the online portal provided by the Authority in the form set out in the First Schedule accompanied by the requirements set out in the Third Schedule.

(3) The Authority shall review the application in sub-regulation (2) and make a determination within thirty days.

(4) In reviewing such an application, the Authority shall take into consideration the following factors—

- (a) ownership of at least one licensed liquid petroleum gas storage and refilling plant;
- (b) market presence in the area where the distressed brand owner has predominant number of customers;
- (c) has a minimum of thirty thousand cylinders as at the time of application;
- (d) the requirements of other key stakeholders such as statutory administrator, liquidator, main creditors and consumers.

(5) The Authority shall impose conditions to the brand caretaker as is necessary to protect the liquid petroleum gas cylinders from being mishandled or lost.

(6) A brand caretaker licence shall be for a term of one year.

52. (1) An application for renewal of the licence may be granted upon meeting the requirements set out in the Third Schedule.

Renewal of brand caretaker licence.

(2) A renewal shall be for a further twelve months.

PART VII—LIQUID PETROLEUM GAS BULK STORAGE VESSELS

53. (1) A person shall not acquire or manufacture a bulk liquid petroleum gas storage vessel for use in Kenya if the storage vessel and its fittings are not designed and constructed in accordance with the specifications provided in the Kenya standards provided that where a liquefied petroleum gas consumer at a consumer site, institution or reticulation system acquires a bulk liquid petroleum gas storage vessel from an operator, the obligation to ensure conformity of the storage vessel and its fittings shall lie with the operator.

Acquisition of new Bulk liquid petroleum gas Storage Vessels.

(2) A person who acquires a bulk liquid petroleum gas storage vessel for the purpose of putting it into operation shall declare such an acquisition to the Authority not later than one calendar month from the date of acquisition.

(3) The declaration made in sub-regulation (2) shall include the—

- (a) capacity and number of imported or locally manufactured bulk liquid petroleum gas storage vessels;
- (b) landed cost of the bulk liquid petroleum gas storage vessel inclusive of all taxes for imported bulk liquid petroleum gas storage vessel or ex-factory cost inclusive of all taxes for locally manufactured bulk liquid petroleum gas storage vessel;

- (c) manufacturer's name and the country of origin of the bulk liquid petroleum gas storage vessel;
- (d) serial number for each bulk liquid petroleum gas storage vessel; and
- (e) location of installation.

(4) The existing bulk liquid petroleum gas storage vessels shall be declared to the Authority within six (6) months of coming into force of these Regulations giving the information in sub-regulation (3).

54. (1) A bulk liquid petroleum gas storage vessel manufactured locally or imported shall be examined and certified by an approved person prior to use and periodically as set out in the Kenya Standards.

Examination of Bulk liquid petroleum gas storage vessels.

Cap. 236A.

(2) The examination and certification in sub-regulation (1) shall include the requirements set out in the Occupational Safety and Health Act.

(3) The responsible person shall maintain the examination records and certificates for the lifetime of the pressure vessel.

(4) A person, in the process of transferring liquid petroleum gas into or out of a bulk liquid petroleum gas storage vessel shall satisfy himself of the validity of the examination status of the bulk liquid petroleum gas storage vessel.

55. (1) A bulk liquid petroleum gas storage vessel manufactured locally or imported shall be calibrated and certified by an inspector appointed from the department of weights and measures prior to use and periodically as set out in the Kenya Standards.

Calibration of Bulk liquid petroleum gas Storage Vessels.

Cap. 513.

(2) The calibration and certification in sub-regulation (1) shall include the requirements set out in the Weights and Measures Act.

(3) The responsible person shall maintain the calibration records and certificates, and calibration records and certificates for the lifetime of the pressure vessel.

(4) A person, in the process of transferring liquid petroleum gas into or out of a bulk liquid petroleum gas storage vessel shall satisfy himself of the validity of the calibration status of the bulk liquid petroleum gas storage vessel.

56. (1) A person who wishes to export bulk liquid petroleum gas storage vessels shall make an application to the Authority for approval.

Export of bulk liquid petroleum gas storage vessels approval.

(2) The application in sub-regulation (1) shall be submitted through the online portal provided by the Authority accompanied by the documents specified in the Seventh Schedule.

(3) The Authority shall issue an approval if satisfied with an application made in accordance with sub-regulation (2).

PART VIII—BULK LIQUID PETROLEUM GAS STORAGE AND FILLING PLANT

57. (1) A person who wishes to construct or install a bulk liquefied petroleum gas storage facility or a gas reticulation system shall apply for a construction permit from the Authority.

Storage of bulk liquid petroleum gas.

(2) An application for a construction permit for a bulk liquefied petroleum gas storage facility or a gas reticulation system shall specify the —

- (a) exact location including the land registration number of the storage site and easements for any pipelines and incidental infrastructure;
- (b) capacity of the storage facility or gas reticulation system; and
- (c) scope of the project.

(3) The application for a construction permit in sub-regulation (2) shall be submitted through the online portal provided by the Authority in Form II set out in the First Schedule accompanied by the documents specified in the Fourth Schedule and proof of payment of the fees set out in the Second Schedule.

(4) An application for a licence to store bulk liquefied petroleum gas shall be submitted through the online portal provided by the Authority in the form set out in the First Schedule accompanied by the documents specified in the Fourth Schedule and the fees set out in the Second Schedule.

(5) Where bulk liquefied petroleum gas is stored in more than one premises, a separate licence shall be required for each premises.

58. (1) Where a person makes an application for a bulk liquid petroleum gas storage and filling plant licence, the Authority shall assess the technical and commercial capacity of the applicant to run such a business.

Capacity to operate.

(2) The assessment in sub-regulation (1) shall consider —

- (a) brand ownership and possessing a minimum number of seventy thousand cylinders of standard capacity; or
- (b) the ability to operate as a common-user facility where the combined bulk storage is over five hundred metric-tonnes capacity.

59. (1) All licensed bulk liquid petroleum gas storage and filling plants shall be uniquely marked at conspicuous points at the entrance to enhance visibility and safety.

Marking of liquid petroleum gas bulk storage and refilling plants.

(2) The marking in sub-regulation (1) shall include the following information —

- (a) licence and construction permit number as issued by the Authority;
- (b) business registration name in full;
- (c) product being stored and handled;
- (d) “No Smoking sign” in crimson red on a brilliant white background and a font-size minimum of four hundred millimetres height.

60. (1) A person shall not fill liquefied petroleum gas into cylinders unless he is the brand owner or has prior written consent from the brand owner.

Operation of an liquid petroleum gas refilling plant.

(2) An application for a licence to fill liquid petroleum gas into cylinders shall be submitted through the online portal provided by the Authority in the form set out in the Fourth Schedule accompanied by the documents specified in the First Schedule and the fees set out in the Second Schedule.

(3) A copy of the consent in sub-regulation (1) shall be submitted to the Authority by the brand owner.

(4) A person licensed to fill liquefied petroleum gas shall not fill cylinders that do not conform to the Kenya Standard.

(5) When a liquid petroleum gas cylinder is refilled, a person operating a storage and filling plant shall—

- (a) verify that the gross and tare weights of the filled cylinder are as indicated on the body of the cylinder;
- (b) fit the filled liquid petroleum gas cylinder with a seal issued by the Authority;
- (c) maintain and submit the Authority accurate records of refilled liquid petroleum gas cylinder serial numbers, the seal numbers, gross and tare weights; and
- (d) append visible, relevant and clear safety messages on the body of the cylinder as set out in the Eleventh Schedule.

(6) liquid petroleum gas cylinder filling operations shall undergo periodic quality certification.

(7) Every cylinder refilled shall bear quality standardization mark as will be determined by the Kenya Bureau of Standards.

61. (1) No person shall enable liquid petroleum gas to be supplied for use in any premises unless there is provided an appropriately positioned emergency control to which there is adequate access.

Emergency controls.

(2) A person installing an emergency control shall ensure that—

- (a) any key, lever or hand-wheel of the control is securely attached to the operating spindle of the control;
- (b) the means of operating the key or lever is clearly and permanently marked or a notice in permanent form is prominently displayed near such means so as to indicate when the control is open and when the control is shut; and
- (c) any hand-wheel indicates the direction of opening or closing of the control.

(3) Where a person installs an emergency control which is not adjacent to a primary valve, he shall immediately thereafter prominently display on or near the means of operating the control, a suitably worded notice in permanent form indicating the procedure to be followed in the event of an uncontrolled release of liquid petroleum gas.

62. A licensee of a liquid petroleum gas storage and refilling plant shall ensure that the person in charge is proficient in at least one national language.

Training and competency.

PART IX—CONSUMER SITE INSTALLATIONS, RETICULATED SYSTEMS AND SALE OF LIQUID PETROLEUM GAS THROUGH VOLUMETRIC FLOW METERS OR SMART METER DEVICES

63. (1) A person intending to supply liquid petroleum gas to a consumer site installation or reticulated system, shall, before commencement of installation or construction of a storage facility or piping systems, apply for a construction permit from the Authority.

Construction permit to supply liquid petroleum gas to consumer site or reticulated system.

(2) The application for the construction permit in sub-regulation (1) shall be submitted through the online portal provided by the Authority and shall be —

- (a) in Form 1 set out in the First Schedule;
- (b) accompanied by the documents in the Fourth Schedule; and
- (c) accompanied by proof of payment of the fees set out in the Second Schedule.

(3) A licensee shall ensure that a meter used at a consumer site installation, reticulated system and sale through smart devices—

- (a) has been type-approved by the body responsible for weights and measures;
- (b) has undergone annual or any other such periodic re-calibration by a competent person appointed by the body responsible for weights and measures; and
- (c) is repaired by a competent person approved by the entity responsible for weights and measures.

64. Every person responsible for the supply of liquid petroleum gas to a consumer site shall comply with all applicable safety mechanisms and ensure conformance to the relevant Kenya Standards.

Standards and safety.

65. (1) A supplier of liquid petroleum gas to a bulk consumer site or through reticulated systems or through smart meter devices shall make full disclosure of the price build up to the consumer.

Price disclosure.

(2) The disclosure in sub-regulation (1) shall include the following—

- (a) unit price of the liquid petroleum gas product;
- (b) unit price of capital items amortized and included as part of product cost;
- (c) transport costs;
- (d) applicable taxes and levies per unit; and
- (e) discounts if any.

66. A consumer of liquid petroleum gas at a consumer site, through a reticulated system and smart meter device shall be entitled to a statement of the volume of liquid petroleum gas consumed at periodic intervals.

Right to statement.

67. (1) A person shall not undertake the business of reticulation of liquefied petroleum gas without a valid licence issued by the Authority.

Reticulated liquid petroleum gas systems.

(2) A person who wishes to undertake the business of reticulation of liquefied petroleum gas shall apply for a license from the Authority.

(3) The application in sub-regulation (2) shall—

- (a) be submitted through the online portal provided by the Authority;
- (b) be in the form VI set out in the First Schedule;
- (c) be accompanied by proof of payment of the fees set out in the Second Schedule; and
- (d) be accompanied by the documents specified in the Fourth Schedule.

(4) The Authority shall review the application in sub-regulation (2) within forty-five days of receipt of the application.

(5) Where the application in sub-regulation (2) is successful, the Authority shall issue the permit.

(6) Where the application in sub-regulation (2) is unsuccessful, the Authority shall provide reasons for the rejection.

(7) A liquefied petroleum gas reticulation system shall conform to the provisions of the relevant Kenya Standard and be operated in accordance with guidelines published by the Authority.

(8) The operator of a liquefied petroleum gas reticulation system shall maintain the structures where the pipeline and incidental installation for liquefied petroleum gas distribution are located.

(9) A design for a liquefied petroleum gas reticulation system shall incorporate environment, health and safety standards and shall be certified by a professional engineer.

(10) A person licensed to operate a liquefied petroleum gas reticulation system shall maintain a record of any accidents related to operations of the system and complaints arising from the services of the operator record.

(11) The records in sub-regulation (9) and the respective investigation reports shall be submitted to the Authority.

(12) The operator of a liquefied petroleum gas reticulation system shall prepare a model consumer supply agreement, and submit to the Authority for approval.

(13) The operator of a liquefied petroleum gas reticulation system shall enter into separate consumer supply agreements approved in sub-regulation (11) with each liquefied petroleum gas consumer.

68. (1) The service contract shall include the following—

Service contracts.

- (a) name, address and telephone number of the operator and the liquefied petroleum gas consumer;

- (b) rights and obligations of the parties;
- (c) emergency response plan;
- (d) billing period and the mode of payment;
- (e) total cost of service which shall clearly be categorized into the selling price of the product per kilogram, the amortized cost of the infrastructure and operations & maintenance cost;
- (f) requirement for either party to give notice for termination of service, increase of any component of total cost of service and un-availability of service due to scheduled maintenance;
- (g) service level agreement containing minimum acceptable performance standards;
- (h) situations which may lay grounds for stopping deliveries to customers such as emergencies, defective equipment, non-settlement of overdue accounts and the required notice; and
- (i) complaints and dispute handling procedures.

(2) The operator of a liquefied petroleum gas reticulation system shall maintain records of all the bulk liquefied petroleum gas purchased and delivered which shall contain the —

- (a) respective times and dates;
- (b) registration number of the delivery vehicles;
- (c) name and licence number of the liquefied petroleum gas supplier; and
- (d) quantity of the liquefied petroleum gas.

69. (1) A supplier or operator of a consumer site installation, a reticulated system and sale of liquid petroleum gas through volumetric flow meters shall maintain a complaints and dispute handling manual which shall include the following contents —

- (a) internal structures and reporting requirements for complaint handling;
- (b) modes of receiving complaints;
- (c) how to record complaints;
- (d) modalities of investigating complaints;
- (e) modalities of identifying and recording systemic issues;
- (f) modes of responding to complaints within appropriate time limits;
- (g) modalities of referring unresolved complaints relating to his licence and licence conditions to the Authority; and
- (h) the types of remedies available for resolving complaints.

(2) A copy of the liquid petroleum gas supplier's complaint and dispute handling manual in sub regulation (1) shall be provided to the staff of the supplier or operator and consumers.

Complaint and
dispute resolution
handling manual.

70. The operator of a reticulated system shall ensure the availability of a technical person on call at all times for technical support.

Technical support.

71. (1) Each housing unit or consumer outlet shall have a separate and functional metering system approved by the body responsible for weights and measures.

Reticulation
metering system.

(2) The unit of sale of liquefied petroleum gas for liquefied petroleum gas consumers in a liquefied petroleum gas reticulation system may be in—

- (a) meter-cubic; or
- (b) kilograms provided as per the API/ASTM Volume Correction Factor (VCF) Standard.

(3) When installing a liquid petroleum gas meter, consideration shall be made to ensure—

- (a) there is no risk of damage to it from electrical apparatus;
- (b) that it is in a readily accessible position for inspection and maintenance; and
- (c) that its position or location does not impair the accuracy of measurement of liquid petroleum gas to consumers.

(4) Where a person installs a meter and the pipes and other gas fittings associated with it, he shall ensure that—

- (a) immediately thereafter, they are adequately tested to verify that they are gas tight and examined to verify that they have been installed in accordance with these Regulations and the standards approved by the Kenya Bureau of Standards; and
- (b) immediately after such testing and examination, purging is carried out throughout the meter and every other fitting through which liquid petroleum gas can then flow so as to safely remove all air and any other gas than liquid petroleum gas.

72. (1) The operator or the supplier of liquid petroleum gas shall not install a prepayment meter as a primary meter through which liquid petroleum gas passes to a secondary meter.

Primary metres.

(2) A person when providing liquid petroleum gas through any service pipe or service pipework to more than one primary meter or making any modification which affects the number of primary meters provided, shall ensure that a legible notice is prominently displayed on or near each primary meter indicating that more than one primary meter is provided with liquid petroleum gas through that service pipe or service pipework.

(3) Where a primary meter is removed, the person who last supplied liquid petroleum gas through the meter before removal shall—

- (a) where the meter is not forthwith re-installed or replaced by another meter—

- (i) close any service valve which controlled the supply of gas to that meter and did not control the supply of liquid petroleum gas to any other primary meter;
 - (ii) seal the outlet of the emergency control with an appropriate fitting; and
 - (iii) clearly mark any live liquid petroleum gas pipe in the premises in which the meter was installed to the effect that the pipe contains liquid petroleum gas; and
- (b) where the meter is not re-installed or replaced by another meter before the expiry of a period of twelve months beginning on the date of removal of the meter and there is no such service valve as is mentioned in sub-regulation (3) (a) (i), ensure that the service pipe or service pipework for those premises is disconnected as near as is reasonably practicable to the main or storage vessel and that any part of the pipe or pipework which is not removed is sealed at both ends with the appropriate fittings.

(4) Where a person, not being the supplier of liquid petroleum gas, proposes to remove a primary meter he shall give sufficient notice of it to the supplier to enable him to comply with sub-regulation (3).

73. (1) The operator or supplier of liquid petroleum gas in reticulated system person supplying or permitting the supply of liquid petroleum gas through a primary meter to a secondary meter shall ensure that a line diagram in permanent form is prominently displayed—

Security metres.

- (a) on or near the primary meter or gas storage vessel; and
- (b) on or near all emergency controls connected to the primary meter,

showing the configuration of all meters, installation pipework and emergency controls.

(2) The operator or supplier of liquid petroleum gas in reticulated system who changes the configuration of any meter, installation pipework or emergency control so that the accuracy of the line diagram referred to in sub-regulation (1) is affected shall ensure that the line diagram is amended so as to show the altered configuration.

74. (1) Where a meter is housed in a meter box attached to or built into the external face of the outside wall of any premises, the meter box shall be so constructed and installed that any gas escaping within the meter box cannot enter the premises or any cavity in the wall but must disperse to the external air.

Metre housing.

(2) The responsible person shall ensure that any meter box is kept free of combustible materials.

(3) A person shall not install a meter in a meter box provided with a lock, unless the consumer has been provided with a suitably labelled key to that lock.

75. (1) A person shall not install a primary meter or meter by-pass used in connection with a primary meter unless— Regulators.

- (a) there is a regulator controlling the pressure of liquid petroleum gas supplied through the meter or the by-pass, as the case may be, which provides adequate automatic means for preventing the gas fittings connected to the downstream side of the regulator from being subjected to a pressure greater than that for which they were designed;
- (b) where the normal pressure of the liquid petroleum gas supply is 75 millibars or more at the inlet to the regulator and there are also adequate automatic means for preventing, in case the regulator should fail, those gas fittings from being subjected to such a greater pressure; and
- (c) where the regulator contains a relief valve or liquid seal, such valve or seal is connected to a vent pipe of adequate size and so installed that it is capable of venting safely.

(2) The operator or supplier from a bulk liquid petroleum gas storage vessel to any service pipework or liquid petroleum gas fitting shall ensure that—

- (a) there is a regulator installed which controls the nominal operating pressure of the liquid petroleum gas;
- (b) there is adequate automatic means for preventing the installation pipework and liquid petroleum gas fittings downstream of the regulator from being subjected to a pressure different from that for which they were designed; and
- (c) there is an adequate alternative automatic means for preventing the service pipework from being subjected to a greater pressure than that for which it was designed should the regulator referred to in sub-regulation (2)(a) fail.

(3) Where installation consists of more than one liquid petroleum gas cylinder, the liquid petroleum gas shall pass through a regulator which will reduce its pressure at the point of use to a safe level.

(4) Without prejudice to sub-regulation (3), no person shall cause liquid petroleum gas to be supplied through a liquid petroleum gas cylinder bank installation connected to an automatic change-over device unless there is an adequate alternative means for preventing the installation pipework and any gas fitting downstream of the regulator from being subjected to a greater pressure than that for which it was designed should the regulator fail.

(5) Where a supplier or operator installs—

- (a) a regulator for controlling the pressure of gas through a primary meter, through a meter bypass used in connection with a primary meter or from a liquid petroleum gas storage vessel; or
- (b) a liquid petroleum gas appliance itself fitted with a regulator for controlling the pressure of liquid petroleum gas to that appliance;

he shall immediately thereafter ensure, in either case, that the regulator is sealed so as to prevent its setting from being interfered with without breaking of the seal.

(6) In relation to—

- (a) liquid petroleum gas from a distribution main; and
- (b) liquid petroleum gas from a storage vessel,

he shall immediately thereafter ensure, in either case, that the regulator is sealed so as to prevent its setting from being interfered with without breaking of the seal.

(7) A person who breaks a seal applied under sub-regulation (5) shall apply as soon as is reasonably practicable a new seal which is adequate to prevent the setting of the regulator from being interfered with without breaking such seal.

76. (1) An operator of a liquid petroleum gas reticulated system shall ensure legible emergency instructions are prominently displayed on or near the primary shut off valve indicating the procedure to be followed in the event of an emergency situation.

Emergency instructions.

(2) Where the primary shut off valve is not within two meters of the offloading point and is not accessible or within sight, the emergency instructions in sub regulation (1) shall be put on the nearest upstream emergency control and shall point to the location of the primary shut off valve.

(3) The emergency instructions shall also be placed in all other emergency control points and shall indicate where the primary shut off valve is located.

77. (1) A liquid petroleum gas reticulated system developer shall ensure that the system has a separate service duct from that of electricity and water supply and drainage services.

Protection of buildings.

(2) Where a modification is carried out by a developer, the modification shall not impair the structural integrity of the building or impair the fire resistance of any part of its structure.

(3) In all cases, the liquid petroleum gas reticulated system pipework shall be protected from damage by means of an additional sleeve or being concealed inside a service duct.

78. (1) The responsible person of the liquid petroleum gas reticulation system shall ensure that all liquid petroleum gas pipe networks are consciously marked as per the colour codes specified in the applicable Kenya Standards.

Making of pipes.

(2) The responsible person shall ensure that the colour coding in sub-regulation (1) is maintained throughout the service life of the liquid petroleum gas pipe network systems.

79. (1) The following conditions shall apply where liquid petroleum gas is supplied through a service pipe to any building having two or more floors—

Multi-storey liquid petroleum gas installations.

- (a) a main shut off valve to the building shall be installed in the pipe in a conspicuous and readily accessible position; and

- (b) a legible and prominently displayed line diagram attached to the building in a readily accessible position as near as practicable to the emergency control, or to the liquid petroleum gas storage vessel, indicating the position of all installation pipework, all meters, emergency controls, valves and pressure test points of the liquid petroleum gas supply systems in the building.

(2) The design and installation of liquid petroleum gas reticulation system in sub regulation (1) shall be carried out by a liquid petroleum gas installer.

80. (1) Every landlord shall ensure that there is maintained in a safe condition—

Obligations of landlords.

- (a) any relevant liquid petroleum gas fitting; and
- (b) any pressure venting pipe and points or fitting so as to prevent the risk of injury to any person in lawful occupation of relevant premises.

(2) Without prejudice to the generality of sub-regulation (1), a landlord shall—

- (a) prevent trespassing or tampering to the reticulation system;
- (a) ensure that each appliance and pressure relief points to which that duty extends is checked for safety within twelve months of being installed and at least once in any twelve-month period;
- (b) ensure that a record in respect of any appliance so checked is made and retained for a period of two years from the date of the check, which record shall include the following information—
 - (i) the date on which the appliance or pressure relief valve was checked;
 - (ii) the address of the premises at which the appliance or pressure relief valve is installed;
 - (iii) the name and address of the landlord of those premises or where appropriate, his agent;
 - (iv) a description of and the location of each appliance or pressure relief valve checked;
 - (v) any defect identified;
 - (vi) any remedial action taken;
 - (vii) the name and signature of the individual carrying out the check; and
 - (viii) the registration number of liquid petroleum gas installer that has carried out the check.

(3) Every landlord shall ensure that any work in relation to a relevant liquid petroleum gas fitting or any check of a liquid petroleum

gas appliance carried out pursuant to sub-regulation (1) or (2) is carried out by a liquid petroleum gas installer.

(4) The record referred to in sub-regulation 2(b) shall be made available upon request and upon reasonable notice for the inspection of any person in lawful occupation of relevant premises who may be affected by the use or operation of any appliance to which the record relates.

(5) Notwithstanding sub-regulation (4), every landlord shall ensure that—

- (a) a copy of the record made pursuant to the requirements of sub-regulation 2(b) is given to each existing tenant of premises to which the record relates within twenty-eight days of the date of the check;
- (b) a copy of the last record made in respect of each appliance is given to any new tenant of the premises to which the record relates before that tenant occupies those premises where the tenancy is more than a month; and
- (c) where the tenancy period is less than a month, a copy of the record may be prominently displayed within the premises.

81. Where a supplier of liquid petroleum gas or his authorised agent has reasonable cause to suspect—

- (a) that liquid petroleum gas conveyed or supplied by him is escaping, or may escape, in any premises; or
- (b) that liquid petroleum gas conveyed or supplied by him which has escaped has entered, or may enter, any premises;

the supplier or authorized agent may enter the premises to carry out any work necessary to prevent the escape and take any other steps necessary to avert danger to life or property.

Rights of entry.

82. (1) Any approved person or installer engaged by the responsible person may on production of duly authenticated document showing his authority, with such other persons as may be necessary enter any premises in which there is a service pipe connected with a liquid petroleum gas main for the purpose of inspecting —

- (a) any liquid petroleum gas fitting on the premises;
- (b) any flue or means of ventilation used in connection with any such liquid petroleum gas fitting; and
- (c) any service pipe or other apparatus on the premises which is used for the conveyance or supply of liquid petroleum gas or which is connected with a liquid petroleum gas main;

Inspection, testing and disconnection.

(2) Where the approved person or installer enters any premises, the approved person or installer shall examine or apply any test to any object mentioned in sub-regulation (1) and where the object is a liquid petroleum gas fitting, verify the supply of air available for it, with a view to ascertaining whether—

- (a) the provisions of these Regulations or any other statutory provision having effect for the purpose of protecting the

public against risks to health and safety have been complied with; and

- (b) the object is in such a condition, or in the case of a liquid petroleum gas fitting, the supply of air available for it is so inadequate, that it is likely to constitute a danger to any person or property.

(3) Where after the inspections under sub-regulation (2), the approved person or installer is of the opinion that it is necessary to take action for the purpose of averting danger to life or property, and notwithstanding any contract previously existing, the approved person may —

- (a) disconnect and seal off any liquefied petroleum gas fitting and any part of the liquid petroleum gas supply system on the premises; or
- (b) if no such supply is being given, signify the refusal of the supplier to allow such a supply.

83. (1) A supplier of liquid petroleum gas through smart meters or an operator of reticulated system shall, where payment is in advance or by cash settlement on delivery, issue a receipt to the consumer at the time the liquid petroleum gas is delivered.

Right to receipts
and statement of
Account.

(2) A supplier of liquid petroleum gas through smart meters or operator of reticulated system, where the sale is on account, shall issue a statement of account to the consumer within thirty days of the date on which the liquid petroleum gas is delivered.

(3) The receipt in sub regulation (1) and the statement of account in sub regulation (2) shall include all required information related to all transactions in the period including but not limited to price and quantity, date and place of sale or delivery.

(4) On request, a supplier of liquid petroleum gas through smart meters or an operator of reticulated system shall issue to the consumer a statement of amount in arrears or the amount of any unused advance payment.

(5) A supplier of liquid petroleum gas through smart meters or operator of reticulated system shall retain records of the sale of liquid petroleum gas to a consumer for at least two years and provide that information to the consumer on request.

84. (1) Where an approved person or an installer engaged by the responsible person realises a defect that may pose danger to the people and to property with respect to the liquid petroleum gas supply system, and disconnects the supply, or signifies that no liquefied petroleum gas should be supplied through the system, the supplier shall, within five working days after the day on which such action is taken, serve on the consumer a notice in writing—

Notification to
Consumer.

- (a) specifying—
 - (i) the nature of the defect or other circumstances in consequence of which the power was exercised; and

- (ii) the nature of the danger in question and the action taken in the exercise of the power;
- (b) stating—
 - (i) that the consumer has a right to make a complaint under the Act to the Authority against the action taken within a period of thirty days beginning on the date of the notice; and
 - (ii) the grounds on which and the manner in which he can make complaints.
- (2) Where an approved person or installer takes the action referred to in sub regulation (1) in relation to any premises, he shall at the same time conspicuously affix a notice at the premises.
- (3) The notice required under sub-regulation (2) shall be affixed—
 - (a) where a liquid petroleum gas fitting or any part of the liquid petroleum gas supply system on the premises has been disconnected or sealed off, to, or to part of the premises near to, the liquid petroleum gas fitting or part of the liquid petroleum gas supply system in question;
 - (b) where the supply of liquid petroleum gas to the premises has been disconnected, to, or to a part of the premises near to, the meter nearest downstream to the point of disconnection or, if there is no such meter, to a conspicuous part of the premises; or
 - (c) where the supplier has signified its refusal to give or allow such a supply, to, or to a part of the premises near to, the incident shall be reported to the Authority within forty-eight hours.

85. (1) A consumer on whom a notice is served under regulation 84 may, within a period of thirty days beginning on the date of the notice raise a complaint to the Authority against the action taken by the supplier on any of the following grounds—

Appeal against notices.

- (a) that the defect or other circumstances specified in the notice did not constitute a danger such as to justify the action taken specified in the notice;
 - (b) that the defect or other circumstances so specified did not exist at the time the action was taken; or
 - (c) that the defect or other circumstances so specified have ceased to exist.
- (2) Complaints under this regulation are of no effect unless made by notice in writing given to the Authority indicating the grounds on which they are made.
- (3) On receipt of any such complaints the Authority may, if the consumer or responsible person so desires, afford each of them an opportunity of appearing before, and being heard by, a person appointed by the Authority for the purpose.

(4) The Authority shall within sixty days from the date of receipt of the complaint in sub regulation (2) by a consumer, make its decision on any matter before it.

(5) Where the Authority finds that the disconnection was without valid reason, the responsible person shall be liable to the penalties as specified in the Act.

86. (1) Subject to sub-regulation (2), no person shall, except with the consent of the responsible person or pursuant to directions given by the Authority —

Prohibition of reconnection or restoration of supply.

- (a) reconnect any liquid petroleum gas fitting or any part of a supply system which has been disconnected by or on behalf of the responsible person where he knows or has reason to believe that it has been so disconnected;
- (b) reconnect the supply of liquid petroleum gas to any premises which has been disconnected by or on behalf of the responsible person where he knows or has reason to believe that it has been so disconnected; or
- (c) cause liquid petroleum gas from a liquid petroleum gas main to be conveyed to any premises where pursuant to these Regulations the refusal of the responsible person to give or allow a supply of liquid petroleum gas to those premises has been denied and that refusal has not been withdrawn.

(2) The prohibition imposed by sub-regulation (1)(a) and (b) does not apply in the course of the repairing or testing of any fitting or any part of a liquid petroleum gas supply system.

PART X—CONSUMER SITE INSTALLATIONS AT PUBLIC USE ESTABLISHMENTS

87. (1) A person intending to supply liquid petroleum gas to a consumer site installation in a public use establishment, shall, before commencement of installation or construction of a storage facility or piping systems, and upon meeting the requirements set out in the Third Schedule apply for a construction permit from the Authority.

Consumer site installations.

(2) The application for the construction permit in sub-regulation (1) shall be submitted through the online portal provided by the Authority in the form set out in the First Schedule accompanied by the documents specified in the Fourth Schedule and proof of payment of the fees set out in the Second Schedule.

88. Every supplier of liquid petroleum gas or responsible person for a consumer site shall put in place safety mechanisms and ensure they comply to the relevant Kenya Standards.

Standards and safety.

89. (1) A supplier of liquid petroleum gas to a bulk consumer site within a public institution shall make full disclosure of the price build up to the consumer.

Price disclosure.

(2) The disclosure in sub-regulation (1) shall include the following—

- (a) unit price of liquid petroleum gas product;
- (b) unit price of capital items amortized and included as part of product cost;
- (c) transport costs;
- (d) applicable taxes and levies per unit; and
- (e) discounts if any.

90. Consumers of liquid petroleum gas at public use establishments shall be entitled to a statement of the volume of their consumption at periodic intervals.

Right to statement.

91. The supplier of liquid petroleum gas or the responsible person of a consumer site or a consumer site installation at a public use establishment shall maintain records of the existing installations affiliated to them and at minimum maintain the information below —

Requirement for

- (a) name, postal address, physical location, Global Positioning System Coordinates, contact (Telephone number, email) person of the user;
- (b) name of the manufacturer and installer or provider of liquid petroleum gas infrastructure;
- (c) size and other specifications of liquid petroleum gas infrastructure installed;
- (d) date of installation and commissioning; and
- (e) last statutory inspection of liquid petroleum gas tanks.

92. (1) A supplier or operator of a consumer site installation at a public use establishment shall maintain a complaints and dispute handling manual which shall include the following contents—

Maintenance of a complaints and disputes handling manual at consumer sites.

- (a) internal structures and reporting requirements for complaint handling;
- (b) modes of receiving complaints;
- (c) how to record complaints;
- (d) modalities of investigating complaints;
- (e) modalities of identifying and recording systemic issues;
- (f) modes of responding to complaints within appropriate time limits;
- (g) modalities of referring unresolved complaints relating to his licence and licence conditions to the Authority; and
- (h) the types of remedies available for resolving complaints.

(2) A copy of the supplier's complaint and dispute handling manual in sub-regulation (1) shall be provided to all the staff of the supplier and consumers.

93. (1) The management of the public use establishment shall be responsible for the maintenance and repair of the storage and supply system.

Maintenance of the infrastructure.

(2) The management of the public use establishment may enter into an agreement to delegate the obligation in sub-regulation (1) to a party with capacity to carry out the required maintenance and repair person.

(3) The management of the public use establishment shall take precaution to prevent trespassing or tampering with the liquid petroleum gas storage and supply system.

94. (1) An operator of a consumer site installation at a public use establishment shall ensure legible emergency instructions are prominently displayed on or near the primary shut off valve indicating the procedure to be followed in the event of an emergency situation.

Emergency instructions.

(2) Where the primary shut off valve is not within two meters of the offloading point and is not accessible or within view, the emergency instructions in sub-regulation (1) shall be put on the nearest upstream emergency control and shall point to the location of the primary shut off valve.

(3) The emergency instructions shall also be placed in all other emergency control points and will indicate where the primary shut off valve is located.

(4) The responsible person shall ensure that the colour coding in sub regulation (1) is maintained throughout the service life of the pipe network systems.

PART XI—TRANSPORT OF LIQUID PETROLEUM GAS IN BULK AND IN CYLINDERS

95. (1) A person licensed to transport bulk liquefied petroleum gas shall not permit any of his motor vehicles to load or discharge liquefied petroleum gas into or from a bulk liquefied petroleum gas storage facility that is not licensed under these Regulations except where the discharge is to a liquefied petroleum gas consumer.

Prohibition against loading or discharging liquid petroleum gas into illegal facility.

(2) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to the general penalty set out under section 124 of the Act.

96. (1) A person shall not transport more than three liquid petroleum gas cylinders, whether filled or empty, by road except in accordance with the terms and conditions of a valid licence issued by the Authority or its licensing agents.

Transport of liquid petroleum gas cylinders.

(2) An application for a licence to transport cylinders by road shall be submitted through the online portal provided by the Authority together with the documents specified in the First Schedule and the fees set out in the Second Schedule.

(3) A person licensed to transport cylinders by road shall not permit any of his motor vehicles to load or off-load from or to a cylinder filling facility, wholesaler or retailer that is not licensed by the Authority.

(4) A motor vehicle for use in the transport of cylinders shall be equipped with two serviced dry powder fire extinguishers of at least nine kilograms each.

(5) The arrangement of cylinders during transportation shall comply with the Kenya Standard.

(6) A vehicle transporting liquid petroleum gas in bulk and in cylinders shall be marked with the following information—

- (a) legible information indicating “Liquid Petroleum Gas – Highly Flammable & Explosive”;
- (b) the size of signage to be used shall be of two hundred millimetres (200mm) height;
- (c) the text shall be of crimson red on white background;
- (d) the information shall be contained at the front, rear, left and the right side of the vehicle;
- (e) the driver’s side shall contain the details of the transporter including the registered name and the licence number as issued by the Authority.

97. (1) A person shall not transport liquid petroleum gas cylinders on a two-wheeler or three-wheeler motorized vehicle, whether filled or empty, except in accordance with the terms and conditions of a valid licence issued by the Authority.

Transport of liquid petroleum gas cylinders on two-wheelers and three-wheelers motorized vehicle.

(2) A two-wheeler and three-wheeler used in the transport of portable liquid petroleum gas cylinders shall be equipped with a serviced dry powder fire extinguisher of at least five kilograms capacity.

(3) The maximum number of liquid petroleum gas cylinders, whether filled or empty, that can be transported in sub-regulation (1) shall be—

- (a) in the case of a two-wheeler vehicle—
 - (i) six of six-kilogram capacity cylinder;
 - (ii) four of thirteen-kilogram capacity cylinder; or
 - (iii) for any other standard capacity cylinder, a maximum of combined one hundred kilograms gross-weight;
- (b) in the case of a three-wheeler vehicle—
 - (i) thirty-five of six-kilogram capacity cylinder;
 - (ii) twenty of thirteen-kilogram capacity cylinder; or
 - (iii) for any other cylinder capacities, a maximum of combined five hundred kilograms gross-weight.

(4) All the cylinders in sub-regulation (2) shall be transported in an upright position and be properly secured during transit.

(5) A two-wheeler motorized vehicle shall not transport a liquid petroleum gas cylinder whose net capacity exceeds thirteen kilograms.

(6) A person who contravenes this regulation commits an offence and shall upon conviction be liable to a fine of twenty thousand shillings per offence.

98. (1) A driver shall not take charge of a vehicle transporting liquid petroleum gas if he is not in possession of a valid petroleum driver certificate from the Authority.

Liquid petroleum gas Driver Obligations.

(2) A holder of a valid petroleum driver certificate issued by the Authority shall not drive a vehicle with an expired petroleum permit.

(3) A person, whether holding a valid petroleum driver certificate or not, shall not cause a vehicle to drive into a storage refilling plant or facility that is not licensed by the Authority.

(4) A person holding a valid petroleum driver certificate shall not allow another person not licensed by the Authority to drive the vehicle referred to in this regulation.

99. (1) A person licensed to transport liquid petroleum gas in bulk or in cylinders shall not carry unauthorised persons in the vehicle during such transportation.

Obligation of an liquid petroleum gas Transporter.

(2) A person licensed to transport bulk liquid petroleum gas shall install a system with Global Positioning System on his vehicle and grant the Authority unfettered access.

(3) A transporter of liquid petroleum gas shall put in place an emergency recovery system which includes but is not limited to being in possession of recovery equipment or a contract with a recovery firm.

(4) A transporter of liquid petroleum gas shall not cause his driver or vehicle to drive into a facility that is not licensed by the Authority or convey a liquid petroleum gas consignment for a person who is not licensed by the Authority as an importer, exporter, wholesaler or retailer.

(5) A transporter of liquid petroleum gas shall not cause a driver under his employment to drive a vehicle for—

- (a) more than eight hours in any twenty four-hour cycle; or
- (b) a total of three hundred kilometres within a period of twenty-four hours whichever is achieved first.

(6) A transporter of liquid petroleum gas shall ensure that his vehicle is operated by two drivers where the vehicle—

- (a) is to be driven for a distance of more than five hundred kilometres; or
- (b) is to be driven for more than eight hours.

(7) A transporter of liquid petroleum gas shall ensure a driver rests for a period of at least one hour for each period of continuous driving of four hours.

(8) A person who contravenes this regulation commits an offence and shall upon conviction be liable to a fine of twenty thousand shillings per offence.

PART XII—DATA , REPORTING AND VERIFICATION

100.(1) Every importer and wholesaler shall declare the sale or the quantity of liquid petroleum gas handled in bulk to the Authority every tenth day of the calendar month.

Declaration of bulk liquid petroleum gas import, sales and

purchases.

- (2) The declaration in sub-regulation (1) above shall include—
- (a) in the case of liquid petroleum gas import—
 - (i) load port and country of origin of the consignment;
 - (ii) name of the importer;
 - (iii) name and identification details of the vessel;
 - (iv) bill of Lading date and quantity of the consignment;
 - (v) specifications of the consignment and in particular propane-butane ratio; and
 - (vi) name of discharge jetty and shore-tank(s) and custom quantities discharged therein.
 - (b) In the case of local sales (bulk wholesale and to consumer site)—
 - (i) the name of the purchaser;
 - (ii) the date of completion of transfer of custody of the sold consignment;
 - (iii) details of the tax invoice;
 - (iv) the quantity of the consignment; and
 - (v) the transporter's name and registration details of the vehicle or vessel carrying the consignment.
- (3) The Authority may require the information in sub-regulation (2) to be declared on the Authority's online portal.
- (4) A person who, being a licensee or not, fails to declare the information required in sub regulation (2) in the prescribed format commits an offence and shall be liable upon conviction to a fine of twenty thousand shillings per offence.

101. (1) The party intending to load bulk liquid petroleum gas shall declare to the Authority the intention to load at least a day before loading.

Declaration of Transaction.

(2) The party receiving bulk liquid petroleum gas shall declare to the Authority immediately upon the receipt of the liquid petroleum gas.

(3) The declaration in sub-regulation (1), and (2) shall include the—

- (a) name of loading depot;
- (b) name of purchase;
- (c) liquid petroleum gas quantity;
- (d) truck registration number for loading;
- (e) intended loading date;
- (f) destination of the consignment.

(4) The declaration in sub-regulation (1) and (2) shall be made through an online portal provided by the Authority.

(5) The obligations in sub-regulation (1) and (2) shall apply to—

- (a) storage of bulk liquid petroleum gas;
- (b) wholesale of liquid petroleum gas in bulk;
- (c) supply to a bulk consumer site; and
- (d) transport of liquid petroleum gas in bulk.

102.(1) A person licenced to refill, wholesale or retail liquid petroleum gas in cylinders shall maintain records of daily purchase, sale and storage of liquefied petroleum gas at the business premises indicating therein—

Records to be kept.

- (a) the opening stock of the filled, empty and defective cylinders;
- (b) the number of filled, empty and defective cylinders received during the day;
- (c) the number of filled, empty and defective cylinders sold, delivered or otherwise disposed of during the day;
- (d) the closing stock of the filled, empty and defective cylinders.

(2) The licensee for liquid petroleum gas reticulation or smart meters shall maintain a record of the following in relation to the final consumer—

- (a) names of final consumer;
- (b) address of final consumer;
- (c) list of complaints from the final consumer; and
- (d) quantities of liquid petroleum gas consumed.

(3) A person who fails to keep records as required under sub regulation (1) commits an offence and shall be liable upon conviction to a fine of twenty thousand shillings.

PART XIII—COMPLIANCE AND ENFORCEMENT

103.(1) An inspector or agent of the Authority may inspect a liquid petroleum gas bulk or cylinder storage facility, a retail outlet, a vehicle or premises where liquid petroleum gas operations are being carried out to ascertain that the operations are being carried out in compliance to these regulations.

Inspection.

(2) An inspector or agent of the Authority may enter upon and inspect a bulk or cylinder storage facility, premises, retail outlet or vehicle at, on or in which liquid petroleum gas is reasonably suspected of being sold, transported, stored or refilled.

(3) Where inspection in sub-regulation (1) or (2) is being conducted, any person conducting the liquid petroleum gas business shall render such assistance to an inspector or agent of the Authority as may be required in the course of such inspection.

(4) During inspection, an inspector or agent of the Authority may—

- (a) take samples of any substance or articles stored in a liquid petroleum gas bulk or cylinder storage facility, a retail outlet, a vehicle or premises for analysis;
- (b) make copies or take extracts from records kept in a liquid petroleum gas bulk or cylinder storage facility, a retail outlet, a vehicle or premises;
- (c) make an inquiry from the person on site and staff of a liquid petroleum gas bulk or cylinder storage facility, a retail outlet, a vehicle or premises;
- (d) enter upon any a liquid petroleum gas bulk or cylinder storage facility, a retail outlet, a vehicle or premises at which any undertaking is carried out or an offence under these Regulations is or is suspected to have been committed;
- (e) inspect and test any process, installation, works or other operation, machinery, equipment, fittings and apparatus which is or appears likely to be carried out in liquid petroleum gas bulk or cylinder storage facility, a retail outlet, a vehicle or premises;
- (f) require from any person the production of records which appears to the inspector or agent of Authority to have relevance to the inspection

(5) After the conduct on an inspection, where an inspector or agent of the Authority considers that the activities conducted on bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle are not in compliance with these regulations, the inspector or agent of the Authority may—

- (a) seal a bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle;
- (b) disconnect supply into or out of bulk liquid petroleum gas storage tank, or vehicle; or
- (c) seize and transfer equipment used for conducting the illegal activity to a safe place.

(6) A person shall not interfere with or by-pass a seal placed by an inspector or agent of the Authority under sub-regulation (5) (a).

(7) A person shall not obstruct the conduct of an inspection or fail to comply with the requirements of an inspector or agents of the Authority during an inspection.

(8) A person who obstructs inspection officers commits an offence and shall upon conviction be liable to the general penalty set out under section 124 of the Act.

(9) Where the offence under sub-regulation (8) is committed by a licensee, the inspector or the Authority may recommend suspension or revocation of a licence.

104.(1) At the conclusion of an inspection and where it is found that there is violation of these Regulations, the inspector shall serve the person in breach a notification of offence in the form set out in the Tenth Schedule

Notification of offences.

(2) Where the person served the notification under sub-regulation (1) admits liability for the offence specified under the notification, the person shall endorse the admission and be liable to the requisite penalty.

(3) Where the person served the notification under sub-regulation (1) disputes liability for the offence specified in the notification, the inspector or agent of the Authority shall issue the person with a compliance order.

105.(1) The inspector or agent of the Authority who, while conducting an inspection determines that there is non-compliance with these Regulations, the inspector or agent of the Authority shall issue a compliance order to the person responsible for such violation.

Compliance orders.

(2) Upon the conclusion of the inspection and where the inspector or agent of the Authority is satisfied that the continued operation of the bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle poses an imminent danger to the lives of people and environment or destruction of property, the inspector or agent of the Authority may proceed to order for the closure or apply to a court of competent jurisdiction for impoundment of the said bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle regardless of whether the said person has admitted to the offence or not.

(3) A compliance order may direct—

- (a) closure of the said bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle;
- (b) stop operations of the said bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle;
- (c) in case of environmental degradation, the operator of the said bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle to remediate the site;
- (d) evacuate liquid petroleum gas from the said bulk liquid petroleum gas or cylinder storage facility, premises, retail outlet or vehicle.

(4) An inspector or agent of the Authority who issues the direction under sub-regulation (2) shall specify the reasons for the direction and attach the available evidence to the compliance order

(5) A person who fails to comply to the directions in sub-regulation (2) commits an offence and shall be liable upon conviction to a fine of twenty thousand shillings per offence.

106. (1) A person in possession of at least three filled liquid petroleum gas cylinders shall be presumed to be conducting liquid petroleum gas business with the cylinders.

Presumption of Liability for Prohibited Acts.

(2) A person who displays at least three filled liquid petroleum gas cylinders that are not in use in their establishment shall be presumed to be conducting liquid petroleum gas business with the cylinders.

(3) A person conducting a liquid petroleum gas business found to be in possession of—

- (a) unauthorizedly refilled liquid petroleum gas cylinders;
- (b) unauthorised rebranded liquid petroleum gas cylinders;
- (c) filled liquid petroleum gas cylinders not conforming to Kenya Standard;
- (d) filled liquid petroleum gas cylinders that are due for repair, requalification or scrappage;
- (e) filled cylinders not bearing the embossed markings of the brand or trade name;
- (f) filled cylinders that are defaced, tampered with or bear illegible markings;
- (g) filled cylinder without a seal bearing unique seal identifier issued by the Authority; or
- (h) filled liquid petroleum gas cylinders belonging to another brand owner without written consent from the brand owner,

shall be presumed to be liable for the above acts.

PART XIV—MISCELLANEOUS

107.(1) A person licensed to undertake liquefied petroleum gas business shall within forty-eight hours notify the Authority in writing of any accident causing—

Reporting of accidents.

- (a) loss of life or personal injury;
- (b) damage to property or the environment; or
- (c) an explosion, spill or fire.

(2) The information to be submitted to the Authority shall include the following—

- (a) name of the owner and operator of the premises or vehicle involved;
- (b) date and time of the incident or accident;
- (c) location and geographical spread of the incident or accident;
- (d) number of injuries or fatalities if any;
- (e) scale of environmental damage if any;
- (f) own and third-party property damage if any;
- (g) in the case of a jetty, storage facility or pipeline give the number of days the infrastructure will continue to be out of service; and

- (h) description of the events leading to and the most probable cause of the incident or accident.

108.(1) A licensee seeking to retire a facility shall notify the Authority not less than thirty days prior to such decommissioning in order to enable the Authority make necessary inspections and to issue the necessary approvals.

Retiring of a liquid petroleum gas installation.

- (2) A liquid petroleum gas facility may be retired—

- (a) after receipt of a written application for a retiring from a licensee;
- (b) by an order of the Authority where such facility has been abandoned by its licensee for a period of not less than two years; or
- (c) by an order of the Authority that the same be retired where the Authority is satisfied that the continued operation of such facility poses or may pose a danger to lives and property.

(3) A licensee or the responsible person of a facility shall, within one year from the date of complete construction of the facility or grant of a license whichever comes first, submit to the Authority for approval a retiring plan substantiating the following—

- (a) a bill of quantity of the planned retiring approved by a registered quantity surveyor; and
- (b) the intended methods to be used during retiring.

(4) The Authority shall, within forty-five days from the date of receipt of the plan provided for under sub-regulation (2), approve or decline the retiring plan.

(5) The licensee or the responsible person as the case may be, shall within two years from the date of effective operation, pay a decommissioning fund to an escrow account the Authority and the same shall be kept in trust by the Authority for the purpose substantiated in sub-regulation (1).

(6) The fund under sub-regulation (4) shall be prescribed by the Authority as per the bill of quantity.

(7) Notwithstanding sub-regulation (5), if the retiring cost exceeds the fund in trust of the Authority, a licensee shall pay all the extra costs associated with the retiring of a facility, whether such retiring has been done following a request by the licensee or by order of the Authority.

(8) The licensee or the responsible person as the case may be, shall be updating the retiring plan in form of techniques and methods prevailing at a particular time.

109.(1) A licensee shall, after retiring a facility, restore the site to its original state so that it does not pose a threat to the environment or the safety and health of the public.

Site restoration.

(2) The Authority shall, after completion of the restoration of a site to its original state by a licensee, issue a certificate of compliance to a licensee confirming such restoration.

(3) For the purposes of sub regulation (1) the term “restore” means—

- (a) to return the area in which a facility is located to its original and natural state as it was before the construction and installation of the facility; or
- (b) to render the area in which the facility is located, or part thereof, compatible with its intended after-use, including—
 - (i) removing buildings, structures, plant and debris;
 - (ii) establishing of compatible contours and drainage;
 - (iii) replacing top soil, re-vegetation, slope stabilization; and
 - (iv) infilling of excavations.

110.(1) A person licensed to undertake liquefied petroleum gas business shall investigate any incident or accident occurring with respect to a licensed activity and shall within fourteen days or any such extended period as approved by the Authority from the date of the incident or accident submit a report containing the—

- (a) cause of the incident or accident;
- (b) effects of the incident or accident; and
- (c) proposed remedial measures and timelines thereof.

(2) The Authority shall review the report under sub-regulation (1) within thirty days, and—

- (a) accept the report; or
- (b) request for adjustments; or
- (c) reject the report giving reasons.

(3) Notwithstanding sub-regulations (1) and (2), the Authority may commission its own investigation.

(4) Where required, the person affected by the incident or accident shall be required to facilitate the Authority or its appointed agent or committee to undertake the investigation.

(5) No person shall obstruct, hinder or withhold such information as may be requested by the Authority's appointed agent or committee provided that such information was requested in the prescribed manner.

111.(1) Where any default in or contravention of any of the provisions of these Regulations is made for which no fine or penalty is expressly stated, the person so defaulting or contravening, shall upon conviction, be liable to the general penalty set out under section 124 of the Act.

(2) The Authority may in its discretion suspend the licence of a person where it determines that the person has contravened any part of these Regulations.

112.(1) Any person who is dissatisfied with a decision of the Authority under these Regulations may apply in writing to the authority to review such decision.

Investigation of accidents.

General Offences and Penalties.

Review and Appeals.

(2) A person, aggrieved by the decision of the Authority after an application for review as provided in sub regulation (1), may lodge an appeal to the Energy and Petroleum Tribunal within thirty days of the decision of the Authority.

113.(1) All existing licensees shall be required to comply with these Regulations within the timelines listed below—

Transitional clauses.

- (a) in the case of brand owners—
 - (i) comply with the requirement for cylinder deposit within twelve months from the date of coming into force of these Regulations; and
 - (ii) comply with the requirement to attain the minimum number of liquid petroleum gas cylinders within two years from the date of coming into force of these Regulations;
- (b) in the case of storage facilities, comply with the requirement to have a minimum number of cylinders within three years from the date of coming into force of these Regulations.

(2) Where no exception has been made as set out in sub-regulation (1), the requirements of these Regulations shall be effective immediately from the date of coming into force of these Regulations.

114. The Petroleum (Liquefied Petroleum Gas) Regulations, 2019 are hereby revoked provided that such repeal shall not affect—

Revocation and savings of LN100/2019.

- (a) the previous operation of the said Regulations or anything duly done or suffered therein; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Regulations; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Regulations; or
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if the said Regulations had not been repealed.

FIRST SCHEDULE

(r. 4(1), 6(2), 24(2)(a), 25(2)(a), 32(2), 51 (2), 57(3), 60(2), 63 (2) (a), 67(3)(b), 87 (2), 96 (2))

CONSTRUCTION PERMIT, LIQUID PETROLEUM GAS BUSINESS LICENCE
AND APPLICATION FORMS

FORM I: CONSTRUCTION PERMIT FORM

Serial No. _____

THE PETROLEUM ACT,

PETROLEUM CONSTRUCTION PERMIT

Permit No. EPRA/PET/ _____

Construction Permit is hereby granted to _____ of P.O.
Box _____ to construct the following Liquefied Petroleum Gas Facility:

TYPE OF LIQUID PETROLEUM GAS FACILITY

On premises situated at:

Plot No. _____

Building _____

GPS _____

Town: _____

County _____

Permit issue date _____

Permit Expiry date _____

(Specific Details) _____

(SEAL)

Signature: _____

Issued under the authority of the Director General

Energy and Petroleum Regulatory Authority

FORM II: LIQUID PETROLEUM GAS IN BULK BUSINESS LICENCE FORM

Serial No.

THE PETROLEUM ACT,

PETROLEUM BUSINESS LICENCE

Licence No. EPRA/LIQUID PETROLEUM GAS/ _____

Licence is hereby granted to _____ of P.O. Box
_____ to carry on the following petroleum businesses:

TYPE OF LIQUID PETROLEUM GAS BUSINESS

On premises situated at:

Plot No. : _____

Building : _____

Road : _____

Town : _____

County : _____

Licence issue date : _____

Licence Expiry date : _____

(SEAL)

Signature : _____

Issued under the authority of the Director General

Energy and Petroleum Regulatory Authority

FORM III: TRANSPORT LIQUID PETROLEUM GAS LICENCE FORM

Serial No.:

THE PETROLEUM ACT,

LIQUEFIED PETROLEUM GAS BUSINESS LICENCE

Licence No. EPRA/LIQUID PETROLEUM GAS/ _____

Licence is hereby granted to _____ of P.O. Box _____ to carry on the following petroleum businesses:

TYPE OF LIQUID PETROLEUM GAS BUSINESS VIA (LIST OF MOTOR VEHICLES)

On premises situated at:

Plot No. : _____

Building : _____

Road : _____

Town : _____

County : _____

Licence issue date : _____

Licence Expiry date : _____

(SEAL)

Signature: _____

Issued under the authority of the Director General

Energy and Petroleum Regulatory Authority

FORM IV: LIQUID PETROLEUM GAS CYLINDER BUSINESS LICENCE FORM

Serial No.:

THE PETROLEUM ACT,

LIQUEFIED PETROLEUM GAS BUSINESS LICENCE

Licence No. EPRA/LIQUID PETROLEUM GAS/ _____

Licence is hereby granted to _____ of P.O. Box _____ to carry on the following petroleum businesses:

TYPE OF LIQUID PETROLEUM GAS BUSINESS (LIST OF CYLINDER BRANDS)

On premises situated at:

Plot No. : _____

Building : _____

Road : _____

Town : _____

County : _____

Licence issue date : _____

Licence Expiry date : _____

(SEAL)

Signature: _____

Issued under the authority of the Director General

Energy and Petroleum Regulatory Authority

FORM V: APPLICATION FORM FOR A BRAND CARETAKER LICENCE

1. Licence name
2. Application type
 - ☐ New
 - ☐ Renewal
3. Brand applied to manage and refill
4. Number of current cylinders
5. Plant Name and Location
6. Area of market operations and presence
7. Distributor list

FORM VI

APPLICATION FORM FOR A NEW, AMENDMENT AND RENEWAL OF A LIQUID PETROLEUM GAS BUSINESS LICENCE

1. Application Type:
 - a. ☐ New Application
 - b. ☐ Renewal Application
 - c. ☐ Amendment Application
 - i. Amendment Details: _____
2. Bio Data:
 - (a) Business Name
 - (b) KRA PIN
 - (c) Postal address:
 - (d) Email Address :
 - (e) Telephone:
 - (f) Physical Address:
 - (g) Registration Date:
 - (h) Business Type
 - (i) Business Registration No.:
 - (j) Contact Person
 - a. Name
 - b. Designation
 - c. Mobile Number
 - (k) Country:

(l) County: _____

3. Details of proprietors or partners owning business or directors/shareholders of the company, as the case may be:

Name	Nationality	No of shares	Passport/ ID No.s
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Proposed location of the business premises:

(i) Plot No : _____

(ii) Building Name: _____

(iii) Street/Market: _____

(iv) Town/District: _____

GPS coordinates:

Longitude: _____ Latitude: _____

FORM VII

APPLICATION FORM FOR A NEW, AMENDMENT AND RENEWAL OF A LIQUID PETROLEUM GAS BUSINESS LICENCE

1. Application Type:

- (a) ☐ New Application
(b) ☐ Renewal Application
(c) ☐ Amendment Application

i. Amendment Details: _____

2. Bio Data:

- (a) Business Name
(b) KRA PIN
(c) Postal address:
(d) Email Address :
(e) Telephone:
(f) Physical Address:
(g) Registration Date:
(h) Business Type
(i) Business Registration No.:

(j) Contact Person

- a. Name
- b. Designation
- c. Mobile Number

(k) Country:

(l) County:

3. Details of proprietors or partners owning business or directors/shareholders of the company, as the case may be:

Name	Nationality	No of shares	Passport/ ID No.s
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Proposed location of the business premises:

- I. Plot No: _____
- II. Building Name: _____
- III. Street/Market: _____
- IV. Town/District: _____

GPS coordinates:

Longitude: _____ Latitude: _____

4. Full description of the LIQUID PETROLEUM GAS Motor Vehicle:

- (a) Vehicle Type: _____
- (b) Track Number: _____
- (c) Truck Chasis No. : _____
- (d) Truck Maximum Capacity: _____
- (e) Tanker Permit No.: _____
- (f) Petroleum Road Tanker Driver Certificate: _____

FORM VIII

APPLICATION FORM FOR A NEW, AMENDMENT AND RENEWAL OF A LIQUID PETROLEUM GAS BUSINESS LICENCE

1. Application Type:

- (a) ☐ New Application
- (b) ☐ Renewal Application
- (c) ☐ Amendment Application

i. Amendment Details: _____

2. Bio Data:

- (a) Business Name
- (b) KRA PIN
- (c) Postal address:
- (d) Email Address :
- (e) Telephone:
- (f) Physical Address:
- (g) Registration Date:
- (h) Business Type
- (i) Business Registration No.:
- (j) Contact Person
 - a. Name
 - b. Designation
 - c. Mobile Number
- (k) Country:
- (l) County:

3. Details of proprietors or partners owning business or directors/shareholders of the company, as the case may be:

Name	Nationality	No of shares	Passport/ ID No.s
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Proposed location of the business premises:

- I. Plot No: _____
- II. Building Name: _____
- III. Street/Market: _____
- IV. Town/District: _____

GPS coordinates:

Longitude: _____ Latitude: _____

5. CYLINDER BRAND TYPE:

- a) BRAND OWNER: _____ BRAND NAME: _____
- b) BRAND OWNER: _____ BRAND NAME: _____
- c) XXXX

FORM IX

APPLICATION FORM FOR A NEW, AMENDMENT AND RENEWAL OF A LIQUID PETROLEUM GAS FACILITY BUSINESS LICENCE

1. Application Type:

- (a) ☐ New Application
- (b) ☐ Renewal Application
- (c) ☐ Amendment Application

i. Amendment Details: _____

2. Bio Data:

- (a) Business Name
- (b) KRA PIN
- (c) Postal address:
- (d) Email Address :
- (e) Telephone:
- (f) Physical Address:
- (g) Registration Date:
- (h) Business Type
- (i) Business Registration No.:
- (j) Contact Person
- a. Name
- b. Designation
- c. Mobile Number
- (k) Country:
- (l) County:

3. Details of proprietors or partners owning business or directors/shareholders of the company, as the case may be:

Name	Nationality	No of shares	Passport/ ID No.s
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4. Proposed location of the business premises:

- I. Plot No: _____
- II. Building Name: _____
- III. Street/Market: _____

IV. Town/District: _____

GPS coordinates:

Longitude: _____ Latitude: _____

5. Full description of the Facility:

d) Tank : _____ Capacity _____

e) Pipeline Diameter: _____

f) Design Flowrate: _____

g) Pipeline Length: _____

h) (Specific Detail): _____

FORM X

APPLICATION FORM FOR LICENSING OF LIQUID PETROLEUM GAS BRAND OWNERS

1. Application Type:

- (a) ☐ New Application
(b) ☐ Renewal Application
(c) ☐ Amendment Application

i. Amendment Details: _____

2. Bio Data:

- (a) Business Name
(b) KRA PIN
(c) Postal address:
(d) Email Address :
(e) Telephone:
(f) Physical Address:
(g) Registration Date:
(h) Business Type
(i) Business Registration No.:

3. Contact Person

- (a) Name
(b) Designation
(c) Mobile Number

4. Country:

5. County:

6. Details of proprietors or partners owning business or directors/shareholders of the company, as the case may be:

Name	Nationality	No of shares	Passport/ ID No.s
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7. Proposed location of the business premises:

V. Plot No: _____

VI. Building Name: _____

VII. Street/Market: _____

VIII. Town/District: _____

GPS coordinates:

Longitude: _____ Latitude: _____

8. CYLINDER BRANDS:

a) BRAND NAME: _____

b) BRAND NAME: _____

c) XXXX

SECOND SCHEDULE

(r. 4(2),6(2),9(3),24(2)(b),25(2)(c),57(3), (4),60 (2), 63 (2) (c), 67(2) (d), 87 (2), 96 (2)).

APPLICABLE LICENCE FEES

TYPE OF LICENCE	NEW APPLICATION	RENEWAL APPLICATION
Import of Bulk liquid petroleum gas	Kshs.20,000	Kshs.10,000
Export of Bulk liquid petroleum gas	Kshs.8,000	Kshs. 5,000
Wholesale of Bulk liquid petroleum gas	Kshs.8,000	Kshs.5,000
Transport of Bulk liquid petroleum gas	Kshs.10,000	Kshs.5,000
Storage of Bulk liquid petroleum gas	Kshs.20,000	Kshs.10,000
Filling of liquid petroleum gas into cylinders	Kshs.20,000	Kshs.10,000
Export of liquid petroleum gas in cylinders	Kshs.10,000	Kshs.5,000
Wholesale of liquid	Kshs.8,000	Kshs.5,000

TYPE OF LICENCE	NEW APPLICATION	RENEWAL APPLICATION
petroleum gas in cylinders		
Retail of liquid petroleum gas in cylinders	Khs.5,000	Kshs.2,000
Autogas Retail/Filling Station	Khs.5,000	Kshs.2,000
Gas Reticulation System	Khs.5,000	Kshs.2,000
Construction permit for Bulk Storage Facility/ Gas Reticulation System	Khs.5,000	Kshs.2,000
Construction permit for Autogas Retail/Filling Station	Khs.10,000	Kshs.4,000

THIRD SCHEDULE

(r. 51(2), 52(1), 87(1))

REQUIREMENTS FOR APPLICATION OF A CONSTRUCTION PERMIT

I. Requirements for a Construction Permit for an Autogas Retail/Filling Station

1. Completed online application;
2. Scan of original certificate of incorporation/business registration certificate;
3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
5. Scan of original valid Work permit Class "G" for foreign directors working in Kenya;
6. Scan of valid Environmental and Social Impact Assessment license from the National Environment Management Authority specifically authorizing development of Autogas dispensing Station
7. Proof of land ownership (copy of title deed in the name of company/director(s)). In the case of land lease, a copy of the duly executed lease agreement in the name of the applicant and duly registered at the Lands Registry;
8. Development permission from the respective County Government (including County Physical Planning Office);
9. Approval to construct acceleration/deceleration lanes from the relevant roads' authority (Kenya National Highways Authority, Kenya Urban Roads Authority; Kenya Rural Roads Authority as applicable);
10. Mechanical engineering drawings approved by a Professional Engineer:
 - (a) Specifying materials and design/ operational limitations (the detailed underground tanks designs,

- (b) The detailed corrosion protection designs/methods/basis, Proof of breakaway couplings on the dispensers, site layout design,
- (c) Piping & Instrumentation Diagram for the bulk liquid petroleum gas offloading and vehicle refuelling process, Fire water designs (for truck offloading area) pressure relief valves (location in the facility), water draw off fittings – proof of double isolation/presence of dead’s man’s valve);
- 11. Civil and Structural engineering drawings of all civil works approved by a Professional Civil Engineer including (the underground tank farm detailed designs (backfilling materials, structural designs and access manholes), Site drainage system, hard standing surfaces (canopies and other buildings), internal service roads, etc.);
- 12. A technical design basis report detailing the materials used, corrosion monitoring, procedures and implementation plan of the project;
- 13. Design of the Fire suppression systems (firefighting water storage tanks and associated fittings, firewalls etc.) which should be accompanied by calculations showing adequacy of the same.

II. Requirements for a Construction Permit for an Autogas Consumer Site

- 1. Completed online application;
- 2. Scan of original certificate of incorporation/business registration certificate;
- 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
- 4. Scan of original identification documents (National identity cards or Passports) for all the company’s directors and/or partners;
- 5. Scan of original valid Work permit Class “G” for foreign directors working in Kenya;
- 6. Scan of valid Environmental and Social Impact Assessment license from the National Environment Management Authority specifically authorizing development of Autogas dispensing Station
- 7. Proof of land ownership (copy of title deed in the name of company/director(s)). In the case of land lease, copy of duly executed lease agreement in the name of the applicant duly registered at the Lands Registry;
- 8. Development permission from the respective County Government (including County Physical Planning Office);
- 9. Mechanical engineering drawings approved by a Professional Engineer:
 - (a) Specifying materials and design/ operational limitations (the detailed underground tanks designs,
 - (b) The detailed corrosion protection designs/methods/basis, Proof of breakaway couplings on the dispensers, site layout design,
 - (c) Piping & Instrumentation Diagram for the entire loading process, Fire water designs (for truck offloading area) pressure relief valves (location in the facility), water draw off fittings – proof of double isolation/presence of dead man’s valve);

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10. Civil and Structural engineering drawings of all civil works approved by a Professional Civil Engineer including (The underground tank farm detailed designs (backfilling materials, structural designs and access manholes), Site drainage system, hard standing surfaces (Canopies and other buildings), internal service roads, etc.);
 11. A technical design basis report detailing the materials used, corrosion monitoring, procedures and implementation plan of the project;
 12. Design of a Fire suppression systems (firefighting water storage tanks and associated fittings, firewalls etc.) which should be accompanied by calculations showing adequacy of the same.
- III. Requirements for a Construction Permit for a liquid petroleum gas storage facility
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
 5. Scan of original valid Work permit Class "G" for foreign directors working in Kenya.
 6. Scan of valid Environmental and Social Impact Assessment license from the National Environment Management Authority specifically authorizing development of a storage depot;
 7. Proof of land ownership (copy of title deed in the name of company/director(s)). In the case of land lease, copy of duly executed lease agreement in the name of the applicant duly registered at the Lands Registry;
 8. Development permission from the respective County Government (including County Physical Planning Office);
 9. Detailed layout plan that complies with the Kenya Standard and approved by the relevant County Government;
 10. Detailed mechanical engineering design drawings approved by a Professional Engineer and specifying materials and design/ operational limitations (Piping & Instrumentation Diagram, tank(s) construction, filling facility, pressure relief valves, water draw off fittings, etc., certified by a professional engineer in the mechanical field;
 11. Detailed design drawings of all civil works and approved by a Professional Civil Engineer detailing the facility's tank saddles, drainage, hard standing surfaces, gas traps, internal service roads, structures, etc., certified by a professional engineer in the civil or structural field; and
 12. Detailed design of the fire-fighting system (firefighting water storage tanks and associated fittings, firewalls etc.) certified by a professional engineer in the mechanical field and a fire safety auditor which shall contain detailed calculations to prove the adequacy of the designs to prevent Boiling Liquid Expanding Vapor Explosion.

13. Proof of economic viability of the plant by submitting either:

- (a) Proof of ownership of at least seventy thousand cylinders of either zero point five, one, three, six or thirteen kilograms capacity or Written contract to fill liquid petroleum gas in cylinders on behalf of a licensed brand owner with an assurance of allocated filling capacity of at least seventy thousand cylinders per annum for liquid petroleum gas storage filling facilities; or
- (b) Proposed logistics facility with a storage capacity of above 500mt for liquid petroleum gas depot.

IV. Requirements for a construction permit of a Liquid Petroleum Gas Reticulation System

- 1. Completed online application;
- 2. Scan of original certificate of incorporation/business registration certificate;
- 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
- 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
- 5. Scan of original valid Work permit Class "G" for foreign directors working in Kenya.
- 6. Scan of valid Environmental and Social Impact Assessment license from the National Environment Management Authority specifically authorizing development of Autogas dispensing Station
- 7. Proof of land ownership (copy of title deed in the name of company/director(s)). In the case of long-term land lease, copy of duly executed lease agreement in the name of the Applicant company
- 8. Development permission from the respective County Government (including County Physical Planning Office);
- 9. Architectural Drawings indicating the specific locations where liquid petroleum gas is to be piped. The drawings should indicate the available gas ducts in buildings.
- 10. Electrical engineer's drawings indicating layout of electrical cables and other electrical installations in relation to the gas ducts specified in the Architectural drawings.
- 11. Mechanical engineering drawings approved by a Professional Engineer:
 - (a) Specifying the materials to be used in the entire installation and the design limits.
 - (b) Indicating the Piping and Instrumentation Diagram and in the case of vaporizer(s) the location, type, construction materials and capacity.
 - (c) Indicating the Pressure Regulation System and the salient safety features to prevent accidents.
 - (d) Indicating the location and specification of the metering system to be used.

- (e) Indicating the details of the corrosion protection mechanism to be used for the distribution pipes.
- (f) Indicating the Standards and Codes used in the design.
- 12. Detailed design drawings of all civil works and approved by a Professional Civil Engineer detailing the facility's drainage, tank saddle, fence, hard standing surfaces and any structures associated with the installation certified by a professional engineer in the civil or structural field;
- 13. Design of the Fire suppression system indicating the capacity of the firefighting water storage tanks and associated fittings, gas detectors, fire arrestors for each unit to be supplied by the reticulated system, fire extinguishers and firewall (where applicable) certified by a professional engineer in the mechanical field and a fire safety auditor which shall contain detailed calculations to prove the adequacy of the design to prevent Boiling Liquid Expanding Vapor Explosion.

V. Requirements for a Construction Permit for a Consumer Site

- 1. Completed online application;
- 2. Scan of original certificate of incorporation/business registration certificate;
- 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
- 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
- 5. Scan of original valid Work permit Class "G" for foreign directors working in Kenya.
- 6. Scan of valid Environmental Impact Assessment license from the National Environment Management Authority specifically authorizing development of Autogas dispensing Station
- 7. Proof of land ownership (copy of title deed in the name of company/director(s)). In the case of long-term land lease, copy of duly executed lease agreement in the name of the Applicant company
- 8. Development permission from the respective County Government (including County Physical Planning Office);
- 9. Detailed mechanical engineering design drawings and approved by a Professional Engineer and specifying materials and design/ operational limitations tank(s) construction, filling facility, pressure relief valves, water draw off fittings, etc., certified by a professional engineer in the mechanical field;
- 10. Detailed design drawings of all civil works and approved by a Professional Civil Engineer detailing the facility's tank saddles, drainage, hard standing surfaces, gas traps, internal service roads, structures, etc., certified by a professional engineer in the civil or structural field; and
- 11. Detailed design of the fire-fighting system (firefighting water storage tanks and associated fittings, firewalls etc) certified by a professional engineer in the mechanical field and a fire safety auditor which shall contain detailed

calculations to prove the adequacy of the designs to prevent Boiling Liquid Expanding Vapor Explosion.

VI. Requirements for a consumer site at Public Use Establishments Construction permit

1. Completed online application;
2. Scan of original constituting instrument e.g. Certificate of Registration, for the public institution, Charters, amongst others;
3. Scan of original CR 12 or CR13 issued by Registrar of Companies or an equivalent document that is not older than three calendar months from the date of issue;
4. Scan of original identification documents (National identity cards or Passports) for all the company's directors or partners or board of directors;
5. Scan of valid Environmental Impact Assessment license from the National Environment Management Authority specifically authorizing development of liquid petroleum gas consumer site;
6. Scan of land ownership (copy of title deed in the name of company/director(s)). In the case of long-term land lease, a copy of duly executed lease agreement in the name of the public institution;
7. Detailed mechanical engineering design drawings and approved by a Professional Engineer and specifying materials and design/ operational limitations tank(s) construction, pressure regulating devices, water draw off fittings, amongst others, certified by a professional engineer in the mechanical field;
8. Detailed design drawings of all civil works and approved by a Professional Civil Engineer detailing the facility's tank saddles, drainage, hard standing surfaces, gas traps, structures, amongst others, certified by a professional engineer in the civil or structural field; and
9. Detailed analysis of the firefighting requirements, which shall include firefighting equipment, firewalls amongst others certified by a professional engineer in the mechanical field and a fire safety auditor.

FOURTH SCHEDULE

(r. 4(2), 9(3), 24(2) (b), 25(2) (b), 32 (2), 57(3)(4), 60(2), 63 (2)(b), 67(2)(d), 87 (2))

DOCUMENTS REQUIRED IN AN APPLICATION OF A NEW LICENCE

- I. Requirements for Licence for Import, Export and Wholesale of Bulk Liquid Petroleum Gas
 1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;

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5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original PIN Certificate.
 7. Scan of original valid tax compliance certificate;
 8. Scan of original valid Work permit Class “G” for foreign directors working in Kenya or a declaration for non-resident director(s)
 9. Proof of access to a licensed storage facility through either:
 - i. ownership of a licensed bulk liquid petroleum gas storage facility or a long-term lease (minimum five years); or
 - ii. valid hospitality agreement with a licensed bulk liquid petroleum gas storage facility.
 10. Proof of presence in the market by either:
 - i. throughput of at least two thousand metric tons per annum; or
 - ii. ownership of a cylinder brand.
- II. Requirements for Licence for Wholesale and Export of Bulk Liquid Petroleum Gas
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company’s directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original PIN Certificate.
 7. Scan of original valid tax compliance certificate;
 8. Scan of original valid Work permit Class “G” for foreign directors working in Kenya or a declaration for non-resident director(s).
 9. Proof of access to supply of liquid petroleum gas by either:
 - i. being a holder of a valid bulk liquid petroleum gas Import licence; or
 - ii. supply agreement or letter of intent from a holder of a valid bulk liquid petroleum gas Import licence provided that where a letter of intent is used, the substantive supply agreement is to be furnished within three months of obtaining the licence.
- III. Requirements for Licence for Storage and Wholesale of liquid petroleum gas in Cylinders
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;

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3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original PIN Certificate.
 7. Scan of original valid tax compliance certificate;
 8. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s).
 9. Scan of original copy of a valid Weighing Scale Calibration Certificate from the Department of Weights and Measures;
 10. Proof of authority to trade in the cylinder brand by providing:
 - a. scanned copy of original Trade Mark registration certificate; or
 - b. a valid copy of a written consent from the brand owner.
 11. Requirement for safe premises:
 - a. proof of ownership or lease of a yard or warehouse; and
 - b. valid Fire certificate for the above premises.
 12. Copy of the applicant's Customer Complaint Handling Procedures.
 13. Scan of original copy of a valid copy of Certificate of Registration of Work Place;
- IV. Requirements for Licence for Storage and Retail of Liquid Petroleum gas in Cylinders
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original PIN Certificate.
 7. Scan of original valid tax compliance certificate;
 8. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s)
 9. A scan of original copy of a valid Weighing scale Calibration Certificate from the Weights and Measures Department;
 10. Requirement for safe premises—

- (a) cylinder storage cage placed outside a building; and
- (b) valid fire certificate for the above premises.

11. Copy of the applicant's Customer Complaint Handling Procedures.

V. Requirements for Licensing of Liquid Petroleum Gas brand owners

1. Completed online application;
2. Scan of original certificate of incorporation/business registration certificate;
3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
5. Scan of original valid Single Business Permit from the County Government.
6. Scan of original valid tax compliance certificate;
7. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s).
8. Scan of copy of original Trade Mark registration certificate;
9. Scan of original copy of a certificate of Conformity of the Cylinders to the Kenya Standard;
10. Proof of ownership of Standard Capacity Cylinders by providing either—
 - (a) either of capacities of: zero point five, one, three, six and thirteen kilograms cylinders fitted with unified valves and totalling to a minimum thirty thousand; or
 - (b) non- standard capacity cylinders totalling to a minimum of five thousand cylinders.
11. Inventory for each cylinder listed by—
 - (a) serial number;
 - (b) capacity; and
 - (c) landed or ex-factory cost inclusive of all taxes.
12. Valid insurance policy against injuries to Consumers and third parties related to defective Cylinder; and
13. Copy of the applicant's Customer Complaint Handling Procedures.

VI. Requirements for Licence for Transport of Bulk liquid petroleum gas

1. Completed online application;
2. Scan of original certificate of incorporation/business registration certificate;
3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;

4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
5. Scan of original valid Single Business Permit from the County Government.;
6. Scan of original PIN Certificate;
7. Scan of original valid tax compliance certificate;
8. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
9. Scan of original copy of a valid certificate of calibration for the Bulk tank mounted on each bulk transport vehicle;
10. A comprehensive emergency preparedness and response plan;
11. Scan of original copy of Certificate of Conformity to the Kenya Standard for each bulk transport vehicle;
12. Scan of original valid Fire certificate from the County Government for each bulk transport vehicle;
13. Scan of original copy of a valid Report on Examination for the tank mounted on each bulk transport vehicle;
14. Scan of original copy of a valid Motor Vehicle Inspection certificate for each bulk transport vehicle;
15. Proof of fitting the vehicle with a working Global Positioning System enabled tracking system;
16. Scan of original copy of logbook for each bulk transport vehicle. The logbook shall be in the name of the applicant and in absence of such, the applicant shall provide a valid lease agreement with the bulk transport vehicle owner;
17. List of drivers to be engaged plus the Driver Certificate number for each driver as issued by the Authority;
18. List of bulk transport vehicles to be used plus the Tanker Permit for each vehicle as issued by the Authority; and
19. List of bulk transport vehicles with respective Chasis, and capacity in Metric tones.

VII. Requirements for licence for Transport of liquid petroleum gas in Cylinders

1. Completed online application;
2. Scan of original certificate of incorporation/business registration certificate;
3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
5. Scan of original valid Single Business Permit from the County Government;
6. Scan of original PIN Certificate;

7. Scan of original valid tax compliance certificate;
8. Scan of original valid Work permit Class “G” for foreign directors working in Kenya declaration for non-resident director(s);
9. A comprehensive emergency preparedness and response plan;
10. Scanned original copy of Certificate of Conformity with the Kenya Standard for each vehicle;
11. Scan of original copy of a Fire certificate from the County Government for each vehicle;
12. Scan of original copy of logbook for the cylinder transport vehicle in the name of the applicant or a valid lease with the owner of the vehicle; and
13. Scan of original copy of a valid Motor Vehicle Inspection certificate for the transport vehicle.

VIII. Requirements for Licence for Storage of Bulk Liquid Petroleum gas

1. Completed online application;
2. Scan of original certificate of incorporation/business registration certificate;
3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
4. Scan of original identification documents (National identity cards or Passports) for all the company’s directors and/or partners;
5. Scan of original valid Single Business Permit from the County Government;
6. Scan of original PIN Certificate;
7. Scan of original valid tax compliance certificate;
8. Scan of original valid Work permit Class “G” for foreign directors working in Kenya declaration for non-resident director(s);
9. Proof of control of a Bulk Liquid Petroleum Gas storage facility by submitting either—
 - (a) Ownership documents; or
 - (b) Long term lease (minimum five years); and
 - (c) Scan of original copy of an Environmental and Social Impact Assessment Licence from (THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY;)
10. Scan of original copy of Certificate of Compliance with the Physical Planning Act;
11. Scan of original copy of Certificate of Conformity with the Kenya Standard;
12. Scan of original copy of a valid Fire Certificate from the County Government;
13. Scan of original copy of a valid Report of Examination for the all bulk storage tank(s) by approved person under Occupational Safety and Health Act;
14. Scan of original copy of a valid Calibration Certificate each bulk storage tank;

15. Proof of access to a calibrated weighbridge by submitting either—
 - (a) ownership of a calibrated weighbridge; or
 - (b) long term agreement on use of a calibrated weighbridge use (minimum five years).
 16. Scan of original copy of a valid copy of Certificate of Registration of Work Place;
 17. Proof of training of a minimum of four employees in safe handling of liquid petroleum gas in an institution approved by the National Industrial Training Authority;
 18. Proof of compliance with declaration of bulk liquid petroleum gas storage vessels as required by the Authority; and
 19. Signed copy of the Emergency Response Plan for the Facility.
- IX. Requirements for Licence for Storage and Filling of Liquid Petroleum gas in Cylinders
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government;
 6. Scan of original PIN Certificate
 7. Scan of original valid tax compliance certificate;
 8. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
 9. Proof of control of a storage facility by submitting either:
 - a. Ownership documents of a bulk storage facility; or
 - b. Long term lease (minimum five years).
 10. Scan of original copy of a valid Environmental and Social Impact Assessment Licence from the National Environment Management Authority;
 11. Scan of original copy of a valid Certificate of Compliance with the Physical Planning Act;
 12. Scan of original copy of a valid Certificate of Conformity to the Kenya Standard;
 13. Scan of original copy of a valid Fire Certificate from the County Government;
 14. Scan of original copy of a valid Report on Examination for each Bulk liquid petroleum gas storage tank from an Inspector approved by the Director or Occupational Safety and Health;

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15. Scan of original copy of a valid Calibration Certificate of each bulk liquid petroleum gas storage tank;
 16. Scan of original copy of a valid Certificate of Registration of Work Place;
 17. Proof of training of a minimum of four employees in the safe handling of liquid petroleum gas in the National Industrial Training Authority approved institution;
 18. Proof of economic viability of the plant by submitting either:
 - a. Proof of ownership of at least seventy thousand cylinders of either zero point five, one, three, six or thirteen kilograms capacity; or
 - b. Written contract to fill liquid petroleum gas in cylinders on behalf of a licensed brand owner with an assurance of allocated filling capacity of at least seventy thousand liquid petroleum gas cylinders per annum.
 19. Scan of original copy of Weighing scale Calibration Certificate from the Department of Weights and Measures;
 20. Proof of access to a calibrated weighbridge by submitting either:
 - a. Ownership of a calibrated weighbridge; OR
 - b. Long term agreement on a calibrated weighbridge use (minimum five years)
 21. Signed copy of the Emergency Response Plan for the Facility.
 22. Copy of Customer Complaint Handling Procedures;
 23. Proof of compliance with declaration of Bulk liquid petroleum gas Storage Vessels as required by the Authority; and
 24. Proof of installation of Atmospheres Explosibles non-obscured Closed-Circuit Television cameras at the filling area with access given to the Authority via a web-based portal.
- X. Licensing Requirements to operate a reticulated Liquid Petroleum Gas System
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original PIN Certificate.
 7. Scan of original valid tax compliance certificate;
 8. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s).

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9. Proof of access to legal supply of Bulk Liquid Petroleum Gas by submitting either:
 - a. A copy of a valid licence for Wholesale of Bulk Liquid Petroleum Gas; or
 - b. Supply agreement with a holder of a valid licence for Wholesale of bulk Liquid petroleum gas.
 10. Scan of original copy of an Environmental and Social Impact Assessment Licence;
 11. Scan of original copy of a Certificate of Conformity to the Kenya Standard;
 12. Scan of original copy of a Certificate of compliance with the building code.
 13. Scan of original copy of a Fire Certificate from the County Government;
 14. Scan of original copy of a valid Report on Examination for each Bulk liquid petroleum gas storage tank from an Inspector approved by the Director or Occupational Safety and Health.
 15. Scan of original copy of a valid Calibration Certificate from the Weights and Measures Department of each bulk storage tank.
 16. Scan of original copy of a valid Calibration Certificate for the metering equipment to be connected to Consumers.
 17. Signed copy of the Emergency Response Plan for the Facility.
 18. Scan of copy of an liquid petroleum gas customer charter where applicable;
 19. Scan of copy of an liquid petroleum gas Customer Service Contract;
 20. Proof of compliance with declaration of Bulk Storage Vessels as required by the Authority; and
 21. Copy of the applicant's Customer Complaint Handling Procedures.
- XI. Licensing Requirements for liquid petroleum gas installer
1. Scan of original identification documents (National identity cards or Passports);
 2. Scan of a copy of Academic Qualifications
 3. Scan of a copy of Registration Certificate (s) with the relevant body (ies)
 4. Scan of a copy of certificate from The National Industrial Training Authority accredited training facility with regard to installer's course;
 5. Scan of a copy of certificate of safety training from a the National Industrial Training Authority accredited facility; and
 6. Scan of a copy of Certificate of good conduct from the National Police Service
- XII. Licensing Requirements for brand care taker
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;

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4. Scan of original identification documents (National identity cards or Passports) for all the company's directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original valid tax compliance certificate;
 7. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s).
 8. Valid insurance policy against injuries to Consumers and third parties related to defective Cylinder;
 9. Copy of the applicant's Customer Complaint Handling Procedures;
 10. Ownership of at least one licensed Liquid Petroleum Gas storage and refilling plant; and
 11. Proof of market presence in the area where the distressed brand-owner has predominant number of customers by providing evidence of a licenced retail or wholesale of Liquid petroleum gas in cylinders premise;

FIFTH SCHEDULE

(r. 6 (2))

DOCUMENTS REQUIRED IN AN APPLICATION FOR RENEWAL OF A
LICENCE

- I. Requirements for renewal of licence for Import, Export and Wholesale of bulk liquid petroleum gas
 1. Completed online application;
 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 3. Scan of original copies of identification documents (National identity cards or Passports) for the company's directors.
 4. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
 5. Scan of original copy of a valid Single Business Permit from County Government;
 6. Scan of original copy of a valid tax compliance certificate;
 7. Proof of access to a licensed storage facility by submitting either:
 - a. ownership documents of a licensed bulk liquid petroleum gas storage facility or long-term lease (minimum five years); or
 - b. valid hospitality agreement with a licensed bulk liquid petroleum gas Storage facility.
 8. Proof of presence in the market by either:
 - a. throughput of at least two thousand metric tons per annum; or
 - b. ownership of a licensed liquid petroleum gas cylinder brand; and
 9. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.
- II. Requirements for renewal of licence for Wholesale and Export of bulk liquid petroleum gas.
 1. Completed online application;
 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 3. Scan of original copies of identification documents (National identity cards or Passports) for the company's directors;
 4. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
 5. Scan of original copy of a valid Single Business Permit from the County Government;

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6. Scan of original copy of a valid tax compliance certificate;
 7. Proof of access to supply of bulk liquid petroleum gas by either of the following:
 - a. Being a holder of a valid bulk liquid petroleum gas Import licence; or
 - b. Supply agreement with a holder of a valid bulk liquid petroleum gas Import licence.
- III. Requirements for renewal of licence for Storage and Wholesale of liquid petroleum gas in cylinders
- Completed online application;
1. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 2. Scan of original copies of identification documents (National identity cards or Passports) for the company's directors.
 3. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
 4. Scan of original copy of a valid Single Business Permit from the County Government;
 5. Scan of original copy of a valid tax compliance certificate;
 6. Scan of original copy of a valid weighing scale calibration certificate from the Weights and Measures Department;
 7. Proof of authority to trade in the Cylinder brand by providing:
 - a. Scanned copy of original Trade Mark registration certificate; and
 - b. A valid copy of a written consent from the brand owner.
 8. 9. Requirement for safe premises:
 - a. Proof of ownership or lease of a yard or warehouse
 - b. Valid Fire certificate for the above premises
 9. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.
 10. Scan of original copy of a valid copy of Certificate of Registration of Work Place;
- IV. Requirements for renewal of licence for Storage and retail of liquid petroleum gas in cylinders
1. Completed online application;
 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 3. Scan of original copies of identification documents (National identity cards or Passports) for the company's directors;

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4. Scan of original valid Work permit Class “G” for foreign directors working in Kenya declaration for non-resident director(s);
 5. Scan of original copy of a valid Single Business Permit from the County Government;
 6. Scan of original copy of a valid tax compliance certificate;
 7. Scan of original copy of a valid weighing scale Calibration Certificate from the Weights and Measures Department;
 8. Requirement for safe premises:
 - a. Proof of ownership of an approved liquid petroleum gas cylinder storage cage.
 - b. Valid fire certificate for the premises’ and
 9. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.
- V. Requirements for Licensing of liquid petroleum gas brand owners (Renewal)
1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Scan of original identification documents (National identity cards or Passports) for all the company’s directors and/or partners;
 5. Scan of original valid Single Business Permit from the County Government.
 6. Scan of original valid tax compliance certificate;
 7. Scan of original valid Work permit Class “G” for foreign directors working in Kenya declaration for non-resident director(s);
 8. Proof of submission of statistics on newly acquired standard capacity cylinders which shall at minimum include:
 - a. serial number;
 - b. capacity; and
 - c. landed or ex-factory cost inclusive of all taxes
 9. Scan of Audited financial statements of the Cylinder Deposit fund for the previous calendar year.
- VI. Requirements for renewal of licence for Transport of Bulk liquid petroleum gas
1. Completed online application;
 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 3. Scan of original copies of identification documents (National identity cards or Passports) for the company’s directors;

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4. Scan of original valid Work permit Class “G” for foreign directors working in Kenya declaration for non-resident director(s);
 5. Scan of original copy of a valid Single Business Permit from the County Government;
 6. Scan of original copy of a valid tax compliance certificate;
 7. Scan of copy of a valid certificate of calibration for the liquid petroleum gas tank mounted on each bulk liquid petroleum gas road transport vehicle;
 8. A comprehensive emergency preparedness and response plan;
 9. Scan of original copy of a certificate of conformity to the Kenya Standard for each bulk liquid petroleum gas road transport vehicle;
 10. Scan of original copy of a fire certificate from the County Government;
 11. Proof of fitting the vehicle with a working Global Positioning System enabled tracking system
 12. Scan of original copy of a valid Report on Examination for the liquid petroleum gas tank mounted on each bulk liquid petroleum gas road transport vehicle;
 13. Scan of original copy of a valid Motor Vehicle Inspection certificate for each bulk liquid petroleum gas road transport vehicle;
 14. Scan of original copy of logbook for each bulk liquid petroleum gas road transport vehicle. The logbook shall be in the name of the applicant and in absence of such, the applicant shall provide valid lease agreements with the truck owner.
 15. List of drivers to be engaged plus the Driver Certificate number and date of expiry for each driver as issued by the Authority;
 16. List of bulk liquid petroleum gas transport vehicles to be used paired appropriately in case of semi-trailers; and
 17. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.
- VII. Requirements for renewal of licence for transport of liquid petroleum gas in cylinders
1. Completed online application;
 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 3. Scan of original copies of identification documents (National identity cards or Passports) for the company’s directors;
 4. Scan of original valid Work permit Class “G” for foreign directors working in Kenya declaration for non-resident director(s);
 5. Scan of original copy of a valid Single Business Permit from the County Government;
 6. Scan of original copy of valid tax compliance certificate;

7. A comprehensive emergency preparedness and response plan;
8. Scan of original copy of Certificate of Conformity to the Kenya Standard for the transport vehicle;
9. Scan of original copy of a fire certificate from the County Government;
10. Scan of original copy of logbook for each vehicle. The logbook shall be in the name of the applicant and in absence of such, the applicant shall provide valid lease agreements with the owner of the transport vehicle;
11. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.

VIII. Requirements for renewal of licence for storage of bulk liquid petroleum gas

1. Completed online application;
2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
3. Scan of original copies of identification documents (National identity cards or Passports) for the company's directors.
4. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
5. Scan of original copy of a valid Single Business Permit from the County Government;
6. Scan of original copy of a valid tax compliance certificate;
7. Proof of control of a liquid petroleum gas storage facility by submitting either:
 - a. Ownership documents of a liquid petroleum gas storage facility; OR
 - b. Long term lease (minimum five years).
8. Proof of submission of annual self-Environmental Audit for the facility to the National Environment Management Authority;
9. Scan of original copy of a valid Fire Certificate from the County Government;
10. Scan of original copy of a valid Report on Examination for bulk liquid petroleum gas storage tanks from an Inspector approved by Director or Occupational Safety and Health;
11. Scan of original copy of a valid Calibration Certificate for each bulk liquid petroleum gas storage tank;
12. Proof of access to a calibrated weighbridge by submitting either:
 - a. Ownership of a calibrated weighbridge; or
 - b. Long term agreement on use of a calibrated weighbridge use (minimum five years)
13. Scan of original copy of a valid Certificate of Registration of Work Place in compliance with the Occupational Safety and Health Act;

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14. Proof of training of a minimum of four employees in the handling of liquid petroleum gas in the national industrial training authority approved institution;
 15. Proof of compliance with corrective action plans given during audits;
 16. Proof of compliance with declaration of Bulk liquid petroleum gas Storage Vessels as required by the Authority; and
 17. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.
- IX. Requirements for renewal of licence for storage of bulk liquid petroleum gas and filling of cylinders
1. Completed online application;
 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 3. Scan of original copies of identification documents (National identity cards or Passports) for the company's directors;
 4. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
 5. Scan of original copy of a valid Single Business Permit from the County Government;
 6. Scan of original copy of a valid tax compliance certificate;
 7. Proof of control of a liquid petroleum gas storage facility by submitting either:
 - a. Ownership documents of a liquid petroleum gas storage facility; or
 - b. Long term lease (minimum five years).
 8. Proof of Submission of annual self-Environmental Audit to the (National Environment Management Authority);
 9. Scan of original copy of a Fire Certificate from the County Government;
 10. Scan of copy of a valid Report on Examination for the bulk liquid petroleum gas storage tanks from an Inspector approved by the Director of Occupational Safety and Health;
 11. Scan of original copy of a valid Calibration Certificate of each Bulk liquid petroleum gas storage tank;
 12. Scan of original copy of a valid copy of Certificate of Registration of Work Place;
 13. Proof of training of a minimum of four employees involved in the handling of liquid petroleum gas in the national industrial training authority approved institution;
 14. Proof of economic viability of the plant by submitting either:
 - a. Ownership of at least seventy thousand liquid petroleum gas cylinders of own brand; or

- b. Written contract to fill liquid petroleum gas in Cylinders on behalf of a licensed brand owner with an assurance of allocated filling capacity of at least seventy thousand liquid petroleum gas Cylinders per annum.
 - 15. Scan of original copy of weighing scale Calibration Certificate from the Department of Weights and Measures;
 - 16. Proof of installation of Atmospheres Explosibles non-obscured Closed-Circuit Television cameras at the filling area with access given to the Authority via a web-based portal.
 - 17. Proof of compliance with Corrective Action Plans given during audits;
 - 18. Proof of compliance with declaration of Bulk liquid petroleum gas Storage Vessels as required by the Authority; and
 - 19. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority.
- X. Requirements for renewal of licence to operate a reticulated liquid petroleum gas system
- 1. Completed online application;
 - 2. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 - 3. Scan of original copies of identification documents (National Identity cards or Passports) for the company's directors.
 - 4. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s);
 - 5. Scan of original copy of a valid Single Business Permit from the County Government;
 - 6. Scan of original copy of a valid tax compliance certificate;
 - 7. Proof of access to legal supply of liquid petroleum gas by submitting either:
 - a. A copy of a valid Import, Export and Wholesale of bulk liquid petroleum gas licence; or
 - b. Supply agreement with a holder of a valid Import, Export and Wholesale of bulk liquid petroleum gas licence.
 - 8. Proof of Submission of annual self-Environmental Audit to the national environmental management authority.
 - 9. Scan of original copy of a valid Fire Certificate from the County Government;
 - 10. Scan of original copy of a valid Report on Examination for Bulk liquid petroleum gas storage tanks from an Inspector approved by the Director or Occupational Safety and Health;
 - 11. Scan of original copy of a valid Calibration Certificate of each Bulk liquid petroleum gas storage tank;
 - 12. Scan of original copy of a valid Calibration Certificate of the metering equipment to be connected to liquid petroleum gas Consumers;

13. Proof of compliance with Corrective Action Plans given during audits.
14. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority;
15. Proof of compliance with declaration of Bulk liquid petroleum gas Storage Vessels as required by the Authority; and
16. Submission of report and list of reported and resolved customer complaints.

XI. Requirements for renewal of brand care taker licence

1. Completed online application;
2. Scan of original certificate of incorporation/business registration certificate;
3. Scan of original CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
4. Scan of original identification documents (National Identity cards or Passports) for all the company's directors and/or partners;
5. Scan of original valid Single Business Permit from the County Government.
6. Scan of original valid tax compliance certificate;
7. Scan of original valid Work permit Class "G" for foreign directors working in Kenya declaration for non-resident director(s).
8. Valid insurance policy against injuries to liquid petroleum gas Consumers and third parties related to defective Cylinder;
9. Submission of report and list of reported and resolved customer complaints;
10. Ownership of at least one licensed liquid petroleum gas storage and refilling plant;
11. Proof of market presence in the area where the distressed brand-owner has predominant number of customers by providing evidence of a licenced retail or wholesale of liquid petroleum gas in cylinders premise;
12. Proof of compliance with timely and accurate submission of liquid petroleum gas statistics as required by the Authority; and

Proof of compliance with declaration of bulk liquid petroleum gas storage vessels as required by the Authority.

SIXTH SCHEDULE

(r. 36(2)(a), 3(3), 37(3) (5))

APPLICABLE CYLINDER DEPOSIT

CYLINDER CAPACITY	REFUNDABLE DEPOSIT
0.5 kilogram	Kshs. 200
1 kilogram	Kshs. 400
3 kilogram	Kshs. 900
6 kilogram	Kshs. 1,500
13 kilogram	Kshs. 2,000

SEVENTH SCHEDULE

(r. 39(2), 56(2))

APPLICATIONS FOR THE EXPORT OF LIQUID PETROLEUM GAS
CYLINDERS AND BULK LIQUID PETROLEUM GAS STORAGE VESSELS

- I. APPLICATION FOR THE EXPORT OF LIQUID PETROLEUM GAS CYLINDERS.
 1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original copy of CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Cylinder test reports;
 5. Serial numbers of all the cylinders being exported;
 6. Bill of Lading for the consignment;
 7. An undertaking that the consignment of cylinders does not constitute any of the property of a brand owner registered in Kenya without their express approval.
- II. APPLICATION FOR THE EXPORT OF BULK LIQUID PETROLEUM GAS STORAGE VESSELS
 1. Completed online application;
 2. Scan of original certificate of incorporation/business registration certificate;
 3. Scan of original copy of CR 12 from registrar of companies and/or CR 13 from the Business Registration Service that is not older than three calendar months from the date of issue;
 4. Bulk liquid petroleum gas storage vessel valid examination and calibration certificates;
 5. Serial numbers for each bulk liquid petroleum gas storage vessel;
 6. Bill of Lading for the consignment;
 7. An undertaking that the consignment of the bulk liquid petroleum gas Storage Vessel (s) does not constitute any of the property of a person having previously declared acquisition of the bulk liquid petroleum gas Storage Vessel (s) in Kenya without their express approval.

EIGHTH SCHEDULE

(r. 40 (3))

UNIQUE SEAL IDENTIFIERS REQUEST FORM

Requirements	Details
Brand Owner/ Licensee	
EPRA licence number	
Brands seals requested for	
Date of Application	
Place of delivery	
Designated person to receive	
Sample signature	
Date of request (processing shall not be more than 20 days from the date of request and not less than 10 working days)	
Number of seals requested (should be equivalent to not more than 6 months supply and not less than 3months supply)	
Person requesting	
Designated refilling plant(s)	
EPRA licences for the designated refilling plant(s)	

NINTH SCHEDULE

(r. 9(4))

LICENCING OF LIQUID PETROLEUM GAS INSTALLERS

CATEGORIES AND CLASSES OF LIQUID PETROLEUM GAS INSTALLERS LICENCES

LIQUID PETROLEUM GAS INSTALLATION CATEGORIES				
CATEGORY	SCOPE	STORAGE CAPACITY	RISK PROFILE	EXPOSURE
I	Common User liquid petroleum gas Storage Facilities	Above 150 MT	High	High
II	Liquid petroleum gas Storage and Filling Facilities	Up to 150 MT	Medium to High	Medium
III	Public Use Establishments & Reticulation systems	Up to 10 MT	Medium to High	High
IV	Autogas Dispensing Stations	Up to 4.5 MT	Medium to High	Medium
V	Liquid petroleum gas Consumer Sites	Up to 20 MT	Low to Medium	Low

CLASS	GRADE	SCOPE	Requirement Minimum Personnel	Requirement MINIMUM EXPERIENCE	Requirement – NCA MECHANICAL ENGINEERING CONTRACTOR REGISTRATION
A-1	Design and Installation Contractor	Category I, II, III, IV, V	1 Class B-1 1 Class C-1 1 Class C-2	7 years in constructing medium to large-scale liquid petroleum GAS or petroleum facilities; Completion of 3+ Category II projects in the last 5 years	NCA 1 TO NCA 3
A-2	Installation Contractor	Category III, IV, V	1 Class C-1 1 Class C-2	5 years in liquid petroleum gas or gas infrastructure projects; Completion of 2+ Category III, IV or V projects in the last 3 years	NCA 4 TO NCA 8

LIQUID PETROLEUM GAS INSTALLERS LICENCE CLASSIFICATION						
CLASS	GRADE	EDUCATIONAL LEVEL	KEY REQUIREMENTS	MINIMUM EXPERIENCE	ROLE	SCOPE
B-1	Engineer	Bachelor's Degree in relevant Engineering discipline	Professional Engineer; Advanced engineering expertise; QRA; HAZOP; Postgraduate specialization in liquid petroleum gas systems (preferred)	5 years in the design and construction of liquid petroleum gas or petroleum facilities; Proven track record of managing at least 3 liquid petroleum GAS-related projects	Design; Project Management; Supervision; Certification	Category I, II, III, IV, V
C-1	Technician	Diploma in relevant Engineering discipline	Certified Engineering Technician; Advanced Installation; liquid petroleum gas-specific training certifications	3 Years in the construction or maintenance of liquid petroleum gas systems; Proven involvement in at least 2 liquid petroleum gas Projects	Install; test; design implementation	Category III, IV, V

C-2	Fitter	K.C.S.E., Recognition of prior learning- the National Industrial Training Authority	Craft/Trade Certification; Basic Installation; Training in liquid petroleum gas handling and safety; Vocational training in Liquid Petroleum Gas systems (preferred)	Year in liquid petroleum gas or gas- related projects	Hands-on assembly; assist	Category V
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LIQUID PETROLEUM GAS INSTALLERS LICENCE FEES			
CLASS OF LICENCE	APPLICATION FEES	LICENCE FEES	LICENCE REPLACEMENT FEES
A-1	Kshs.1,000	Kshs.25,000	Kshs.1,000
A-2	Kshs.1,000	Kshs.15,000	Kshs.1,000
B-1	Kshs.1,000	Kshs.3,000	Kshs.500
C-1	Kshs.1,000	Kshs.1,500	Kshs.500
C-2	Kshs.500	Kshs.1,000	Kshs.500

TENTH SCHEDULE

(r. 104(1))

NOTIFICATION OF OFFENCE

(This NOTICE is issued pursuant to the Petroleum Act, Cap 308 ("the Act") and subsequent regulations)
<p>NOTICE OF VIOLATION OF THE PETROLEUM ACT related to the operation/construction of the said and trading as</p> <p>TAKE NOTICE that on the of 20 an inspection was carried out by an officer/officers from the Energy & Petroleum Regulatory Authority at your establishment/facility located in (Town)</p> <p>.....(Subcounty)</p> <p>.....(County) and of postal address of P.O. Box where it was found that you or your agents did not comply with the requirements of the Act and in particular the following items were identified:</p> <p>.....</p>

<p>.....</p> <p>.....</p> <p>..... (attach more paper if necessary)</p>
<p>You ARE HEREBY DIRECTED to:</p> <p>..... (attach more paper if necessary) of the above-mentioned facility/establishment within a period of hours/days from the time and date of this NOTICE.</p> <p>Further, you ARE HEREBY NOTIFIED THAT in accordance with Sections 124 of the Act, failure to comply with the requirements of the Act shall result in criminal prosecution being instituted against you and/or your agent or both.</p>

ELEVENTH SCHEDULE

(r. 41(n), 60(5)(d))

MINIMUM SAFETY INFORMATION ON LIQUID PETROLEUM GAS CYLINDER REFILL

1. Company details:
 - (a) Brand name.
 - (b) Customer service number.
 - (c) Emergency contacts.
 - (d) Kenya Bureau of Standards standardization mark.
2. What to check when buying the liquid petroleum gas in cylinder refill:
 - (a) Check condition of valve.
 - (b) Weight of cylinder against tare weight.
 - (c) Check that the seal is intact and genuine.
 - (d) Request cylinder use demonstration if not sure.
3. How to handle and store:
 - (a) Keep the cylinder in upright position when transporting and storing.
 - (b) Observe separation distance between cylinder and stove/ cooker/ oven (a minimum separation distance of thirty centimetres is recommended).
 - (c) Keep the cylinder in an airy place.
 - (d) Do not rollover, throw or bang the cylinders.
 - (e) Do not store cylinders at exits or aisles.
 - (f) Avoid exposing cylinders to rain and direct sun.
4. How to use liquid petroleum gas cylinder
 - (a) Ensure the hose, regulator or burner is well fitted.

- (b) When using a rubber hose, ensure there are no visible cracks. Replace hose after five years.
 - (c) Strike match before turning on liquid petroleum gas burner or regulator.
 - (d) Never leave the burner un-attended during use.
 - (e) Ensure to turn off liquid petroleum gas burner or regulator after use.
 - (f) Ensure that you get liquid petroleum gas from genuine gas suppliers and source.
5. What to do in case of liquid petroleum gas leakage:
- (a) When you smell liquid petroleum gas odour, do not panic.
 - (b) Don't turn on any electrical appliances or light switch.
 - (c) Turn off liquid petroleum gas regulator.
 - (d) Liquid petroleum gas is heavier than air; hence open the lowest openings such as doors, in addition to windows.
 - (e) Remove the cylinder out of the room.
 - (f) Inform the wholesaler or the brand owner.

Made on the 23rd May, 2025.

OPIYO WANDAYI,
Cabinet Secretary for Energy and Petroleum.

LEGAL NOTICE NO. 102

THE ENERGY ACT

(Cap. 314)

IN EXERCISE of the powers conferred by section 208 of the Energy Act, the Cabinet Secretary for Energy and Petroleum on the recommendation on the Energy and Petroleum Regulations Authority, makes the following Regulations—

THE ENERGY (PETROLEUM INFORMATION AND STATISTICS) (REVOCATION) REGULATIONS, 2025

1. These Regulations may be cited as the Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025. Citation.
2. The Energy (Petroleum Information and Statistics) Regulations, 2014 are revoked. L.N. No. 6 of 2014.

Made on the 19th May, 2025.

OPIYO WANDAYI,
Cabinet Secretary for Energy and Petroleum.

LEGAL NOTICE NO. 103

(Cap. 314)

IN EXERCISE of the powers conferred by section 198 of the Energy Act, the Cabinet Secretary for Energy and Petroleum, on the recommendation of the Energy and Petroleum Regulatory Authority, makes the following Regulations—

THE ENERGY (RETAIL FACILITY CONSTRUCTION AND
LICENSING) (REVOCATION) REGULATIONS, 2025

- | | |
|--|-----------------------------------|
| 1. These Regulations may be cited as the Energy (Retail Facility Construction and Licensing) (Revocation) Regulations, 2025. | Citation. |
| 2. The Energy (Retail Facility Construction and Licensing) Regulations, 2014, are revoked. | Revocation of L.N. No. 7 of 2014. |
| 3. A licence, certificate or permit issued under the revoked Regulations, shall be valid until the date specified in the licence, certificate or permit. | Savings and transition. |

Made on the 23rd May, 2025.

OPIYO WANDAYI,
Cabinet Secretary for Energy and Petroleum.

LEGAL NOTICE NO. 104

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.