

LEGAL NOTICE NO.

THE PETROLEUM ACT
(No. 2 of 2019)

IN EXERCISE of the powers conferred by Section 101 of the Petroleum Act No. 2 of 2019, the Cabinet Secretary for Energy and Petroleum makes the following Regulations—

THE PETROLEUM (MARINE REFUELLING) REGULATIONS, 2025

PART I - PRELIMINARY

Citation. 1. These Regulations may be cited as the Petroleum (Marine Refuelling) Regulations, 2025.

Interpretation. 2. In these Regulations, unless the context otherwise requires –

“Adulterated petroleum” means a refined grade of petroleum product mixed with another petroleum grade or a miscible solvent, thereby altering the product specifications and performance standards;

“Agent” means a person appointed in writing by the Authority to perform any of its functions;

“Authority” means the Energy and Petroleum Regulatory Authority established under Section 9 of the Energy Act No. 1 of 2019;

“Cabinet Secretary” means Cabinet Secretary responsible for Petroleum appointed in accordance with Article 152 of the Constitution of Kenya, 2010.

“Certificate” means a document issued by the Authority that serves as proof that the holder has met set requirements;

“Class” in relation to contract works, means any of the tiers of contract works set out in the Third Schedule of the National Construction Authority Act Chapter 449A in respect of which a contractor may be licensed by the National Construction Authority;

“Contractor” means a person registered under Section 15 of the National Construction Authority Act Chapter 449A;

“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;

“Designated Dock or Wharf” means a specific, officially assigned location where Petroleum Marine Transportation Vessels can be moored while not in operation

“Designated Marine Refuelling Location” means a specific location officially assigned exclusively to an operator of either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel for operations;

“EMCA” means the Environmental Management and Coordination Act No. 8 of 1999;

“Emergency Response Plan” means a documented set of procedures and instructions designed to mitigate the cause and effects of incidents or accidents involving petroleum, such as spills, fires, explosions, or leaks.

“Energy Act” means the Energy Act No. 1 of 2019;

“Engineer” means a person registered as such under Section 16 of the Engineers Act No. 43 of 2011;

“Environment Liability Policy” means a statement of commitment by a party to the laws, regulations and other policy mechanisms concerning environmental issues;

“Inboard Engine” means a propulsion system for boats comprising an engine, gearbox, and propeller unit mounted internally;

“KCGS” or Kenya Coast Guard Service is a specialized maritime force of the Republic of Kenya, responsible for law enforcement on national waters, including on the oceans, lakes and rivers. The force is mandated to maintain maritime safety, security, pollution control and sanitation.

“KEBS” or “ Kenya Bureau of Standards” means a body corporate established under the Standards Act CAP 496 responsible for promotion of the standardisation of the specification of commodities, and provision for the standardisation of commodities and codes of practice;

“KeFS” or “ Kenya Fisheries Service” means a body corporate established under the Fisheries Management and Development Act CAP 378 responsible for the conservation, management and development of fisheries and other aquatic resources to enhance the livelihood of communities dependent on fishing;

“KFS” or “ Kenya Forest Service” means a body corporate established under the Forest Conservation and Management Act CAP 385 responsible for the deveoplement and sustainable management including conservation and rational utilization of all forest resources for the socio-economic development of the country and for connected purposes;

“KMA” or “ Kenya Maritime Authority” means a body corporate established under the Kenya Maritime Authority Act CAP 370 responsible for monitoring, regulating and coordinating activities in the maritime industry;

“KMFRI” or Kenya Marine Fisheries Research Institute is a State Corporation established in 1979 by the Science and Technology Act, Cap 250 mandated to undertake research in marine and freshwater fisheries, aquaculture, environmental and ecological studies in order to provide scientific data and information for sustainable development of the Blue Economy

“KPA” or “ Kenya Ports Authority” means a body corporate established under the Kenya Ports Authority Act CAP 391 responsible for mainataining, operating, improving and regulating all scheduled seaports under act;

“Kenya Standard” means a specification or code of practice declared by the Council under the Standards Act;

“KWS” or “ Kenya Wildlife Service” means a body corporate established under the Wildlife Conservation and Management Act CAP 376 responsible for the protection, conservation and management of wildlife in Kenya;

“Licence” means a document granted under the Petroleum Act by the Authority to a person authorizing the sale and transport of petroleum;

“Licensee” means a holder of any licence issued under these regulations;

“Licensing Authority” means a body corporate, including the Authority, with powers to grant, revoke or suspend a licence issued under the Petroleum Act;

“Marine Refuelling Business” means a concern carrying out the sale of petroleum products from either an Onshore Marine Refuelling Facility or a Marine Refuelling Vessel

“Marine Refuelling Vessel” means an vessel dispensing site or premises where petroleum is received and stored in bulk in one or more tanks and dispensed to consumers for their own use;

“Marine Refueling Service” means the retail and dispensing of petroleum products from either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel;

“Ministry” means the Ministry for the time being responsible for petroleum in Kenya;

“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 County Government approval;

“NEMA” or “National Environment Management Authority” means the body responsible for the management of the environment as established under the Environmental Management and Coordination Act, 1999;

“NCA” or “National Construction Authority” means the body responsible for the accreditation and certification of skilled construction workers and construction site supervisors as established under the National Construction Authority Act Chapter 449A;

“Non civilian” means natural or juridical persons who are part of the military or government agencies involved in defense and security.

“Onshore Marine Refuelling Facility” means an onshore retail dispensing site or premises where petroleum is stored in bulk in one or more tanks and dispensed to consumers for their own use.

“Outboard Engine” means a propulsion system for boats comprising an engine, gearbox, and propeller unit mounted externally;

“OSHA” means Occupational Safety and Health Act 2007

“Permit” means an authorization document granted to a person to enable the carrying out of any activity in the petroleum marine business in accordance to these regulations

“Person” means any natural or juridical person;

“Petroleum Act” means the Petroleum Act No. 2 of 2019;

“Petroleum business” means a concern carrying out the sale or transport of petroleum;

"Petroleum Marine Transportation Business" means a concern to carry on the transportation of petroleum by marine vessel within Kenya's inland and coastal waters for the purposes of supplying marine refuelling vessels or onshore marine refuelling facilities;

"Petroleum Marine Transport Vessel" means a boat that transports petroleum within Kenya's inland and coastal waters for the purposes of supplying marine refuelling vessels or onshore marine refuelling facilities;

"Skipper" means a person who captains a marine refuelling vessel or a petroleum marine transport vessel;

"Specifications" means a description of any commodity by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, or to any substance or material of or with which, or the manner in which, any commodity may be manufactured, produced, processed, treated, tested or sampled;

"Spill Containment System" is a set of structures and devices designed to prevent, control, and mitigate the spread petroleum products to minimise environmental contamination and safety risks.

"Third parties" means other petroleum business licensees and their agents carrying out business with a licensee

"Tribunal" means the Energy and Petroleum Tribunal established under Section 25 of the Energy Act;

"WRA" or "Water Resources Authority" means The state corporation established under Section 11 of the Water Act (Cao. 372) with the mandate of regulating the management and use of water resources in Kenya.

Application

3. Unless otherwise stated, these Regulations shall apply to;
 - (a) the construction and licencing of petroleum marine facilities;
 - (b) the storage, trade, transportation, and dispensing of petroleum products to fuel Marine Vessels within Kenya's inland and coastal waters;
4. Except as otherwise provided, these Regulations shall not apply to –
 - (a) Petroleum contained in a marine vessel for consumption by the vessel's engine;
 - (b) Petroleum transported in containers whose combined volume does not exceed five hundred (500) litres for consumption by the vessel's engine;

- (c) Marine petroleum tankers involved in the import and export of petroleum products;
- (d) Ships as defined under the Merchant Shipping Act CAP 389; and
- (e) Non civilian application;

**PART II – CONSTRUCTION PERMITS FOR ONSHORE MARINE
REFUELLING FACILITIES, MARINE REFUELLING VESSELS, AND
PETROLEUM MARINE TRANSPORT VESSELS**

**Construction
permit**

5. (1) A person shall not undertake construction works or modification of an Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel except in accordance with the terms and conditions of a valid Construction Permit issued by the Authority under the Petroleum Act;

(2) The Authority may direct a person to cease the construction of an Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel where –

- (a) the construction is being undertaken without a valid Construction Permit issued by the Authority;
- (b) the construction is in breach of the terms and conditions set forth by the Authority; or
- (c) the approval of the Construction Permit was based on false information or forged documents.

(3) A person who undertakes the construction of an Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel without a valid Construction Permit issued by the Authority commits an offence and is liable on conviction to the fines and penalties set out in the Eighth Schedule.

**Application for
a construction
permit**

6. (1) A person who wishes to construct an Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel shall apply for a Construction Permit to the Authority in the prescribed manner.

(2) An application under sub-regulation (1) and as set out in Part I of the First Schedule, shall be accompanied by:-

- (a) a copy of the detailed engineering designs and specifications prepared by a professional engineer or firm(s) registered as such;

- (b) the engineering designs in sub-regulation (2)(a) shall, at the minimum, take into consideration the provisions of the relevant Kenya Standards for Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel;
 - (c) a priced bill of quantities prepared by the respective class of Engineers;
 - (d) an outline of the methods of financing the project;
 - (e) proof of ownership of the land on which the Onshore Marine Refuelling Facility is to be built or ownership of the Marine Refuelling Vessel or Petroleum Marine Transport Vessel;
 - (f) for Onshore Marine Refuelling Facilities a letter of allotment from the relevant Authority in case the title deed is yet to be issued;
 - (g) for Onshore Marine Refuelling Facilities a duly registered lease for a minimum period of five (5) years shall be provided in case the title deed is not in the name of the entity undertaking the development;
 - (h) an approved Environmental and Social Impact Assessment licence issued by NEMA;
 - (i) an approval from the relevant County Government;
 - (j) relevant permits, licences or approvals as the case may be from KMA, KPA, WRA, KeFS, KFS and KWS authorizing the construction of either Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel
 - (k) an environment liability policy; and
 - (l) any other document that may assist the Authority to make proper determination on the application.
- (3) The application in sub-regulation (1) shall be accompanied by proof of payment of the prescribed fees set out in the Sixth Schedule.

**Form and
Validity of a
Construction
Permit.**

7. (1) A Construction Permit for an Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel shall be in the form set out in Part II (A) , Part II(B) and Part II(C) of the First Schedule.
- (2) Where no construction works have commenced after issuance of a Construction Permit, the permit shall be valid for a period of twelve

(12) months from the date of issue or until such date of extension as allowed by the Authority shall expire.

(3) Where construction works have commenced within the validity period of the permit, the Construction Permit shall be valid for a maximum period of thirty-six (36) months from the date of issue.

(4) The Construction Permit holder may make an application for extension of the validity period by providing documents as required by the Authority.

(5) The extension of the validity period of a Construction Permit shall be to a maximum of –

(a) six (6) months where construction works have not commenced; and

(b) twenty-four (24) months where construction works have commenced.

(6) A Construction Permit holder shall be required to make a fresh application where the Construction Permit cannot be extended further as provided for in sub-regulation (5).

**Determination
of application
for a
Construction
Permit.**

8. (1) The Authority shall determine an application for a Construction Permit within forty-five (45) days of receipt of such an application;

(2) Provided that the application is materially complete, does not offend the provisions of any written law and meets the prescribed 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 site after due assessment;

(4) The Construction Permit issued under sub-regulation (2) shall contain such terms and conditions that the Authority may deem fit based on the site location and scale of the project;

(5) 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;

(6) The applicant shall within thirty (30) days of receiving a notification of the nature of the conditions proposed to be imposed, give a written undertaking to the Authority that as the permit holder, the applicant shall abide by the stipulated terms and conditions of the Construction Permit;

(7) The undertaking in sub-regulation (6) shall be in the format prescribed in Part I , Part II and Part III of the Second Schedule;

(8) The Authority shall only issue the Construction Permit once the applicant has executed the undertaking in sub-regulation (6) 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 such rejection in sub-regulation (9), specifying the reasons thereof within seven (7) days of such rejection;

(11) Where the rejection in sub-regulation (10) relates to –

(a) incomplete information, the applicant may make a fresh application providing the requisite information or documents; and

(b) the unsuitability of the site, the decision of the Authority shall be final and if the applicant is not satisfied with the Authority's decision, they may appeal to the Tribunal;

**Obligations of
a Construction
Permit holder.**

9. (1) In undertaking construction of an Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel, the Construction Permit holder shall –

(a) comply with the terms and conditions of the Construction Permit as stipulated by the Authority;

(b) as applicable, engage only contractors who are licensed by the National Construction Authority (NCA), Kenya Maritime Authority (KMA) and the Kenya Ports Authority (KPA) for their class of work;

(c) ensure that the construction project is supervised by a practising Professional Engineer;

(d) comply with the Environmental Impacts Mitigation Plan approved by NEMA;

(e) comply with Government policy on local content; and

(f) comply with directions issued by the Authority from time to time;

Compliance with Statutory obligations.

10. (1) The Construction Permit holder shall, notwithstanding anything contained in the permit, comply with the provisions of the Petroleum Act and all other written laws.

PART III – LICENCING OF ONSHORE MARINE REFUELLING FACILITIES AND MARINE REFUELLING VESSELS

Licencing of Onshore Marine Refuelling Facilities and Marine Refuelling Vessels

11. (1) A person shall not sell or store petroleum products on either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel without a valid licence issued by the Authority under the Petroleum Act.

(2) A person who undertakes the business of selling or storing of petroleum products on either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel without a valid licence commits an offence and shall on conviction be liable to the fines and penalties as set out in the Eighth Schedule.

**Application for
Licence to
operate
Onshore
Marine
Refuelling
Facilities and
Marine
Refuelling
Vessels**

12. (1) A person wishing to apply for a Licence to operate an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall do so in the prescribed manner and the application shall be accompanied by the documents set out in the Part I of the Third Schedule.
- (2) The application in sub-regulation (1) shall also be accompanied by:
- (a) Proof of payment of the applicable fees as set out in the Sixth Schedule; and
 - (b) An environment liability policy in the form set out in the Seventh Schedule.
- (3) The Authority may request for additional documents to enable satisfactory review of the licence application.
- (4) The Authority shall review an application for a Licence to operate an Onshore Marine Refuelling Facility or Marine Refuelling Vessel within thirty (30) days of receipt.
- (5) Provided that the application is materially complete, does not offend the provisions of any written law, and meets the prescribed requirements, the Authority may grant a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel to the applicant.
- (6) The Authority shall reject an application under these Regulations where the application does not meet the requirements for granting a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel.
- (7) Where the Authority rejects an application for the grant of a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel, the Authority shall give the applicant reasons for the refusal in writing within seven (7) days of such rejection.

Form and Duration of a Licence to operate an Onshore Marine Refuelling Facility or Marine Refuelling Vessel

13. (1) A Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall be in the form set out in Part I and Part II of the Fifth Schedule respectively.
- (2) A Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall be valid for the period of one year shall be subject to such conditions as the Authority may prescribe.
- (3) Notwithstanding sub-regulation (2), the Authority may at any time suspend or revoke a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel if the licensee commits breach of the Petroleum Act, these Regulations or the conditions of the Licence.
- (4) Unless otherwise specified in the a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel, the Authority may give a licensee fourteen (14) days' notice to show cause why the licence should not be suspended or revoked.
- (5) The Authority shall determine the matter in sub-regulation (4) within thirty (30) days from the date of expiry of the notice period.
- (6) The suspension or revocation of a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall not indemnify the licensee from any penalties for which the licensee may have become liable under the Petroleum Act or any other written law.

Renewal of a Licence to operate an Onshore Marine Refuelling Facility or Marine Refuelling Vessel

14. (1) An application for renewal of a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall be made to the Authority at least thirty (30) days before the expiry date.
- (2) The application in sub-regulation (1) shall be accompanied by the documents set out in the Fourth Schedule and proof of payment of the prescribed fees as set out in the Sixth Schedule.
- (3) Where an application for renewal is made thirty (30) days before expiry, and the Authority has not made a determination by the date of expiry, the Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall be deemed to be valid until a determination on the application for renewal is made.

Amendment of a Licence to operate an Onshore Marine Refuelling

15. (1) A person may make an application for amendment of a Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel.
- (2) A licence may be amended where –

**Facility or
Marine
Refuelling
Vessel**

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

(3) The reason for amendment in sub-regulation (2) shall not include transfer of an Onshore Marine Refuelling Facility or Marine Refuelling Vessel business or change in control.

(4) An application under sub-regulation (1) shall be submitted in the prescribed manner as set out in Part IV of the Third Schedule

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

(6) A Licence to operate either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel amended under these Regulations shall retain the existing expiry date.

(7) A Licence to operate either Onshore Marine Refuelling Facility or Marine Refuelling Vessel amended under sub-regulation (6) shall contain the word “Amended”.

**Obligations of
the Licensee.**

16. (1) A licensee authorized to operate an Onshore Marine Refuelling Facility or Marine Refuelling Vessel shall –

- (a) sell petroleum products specified in the licence;
- (b) purchase petroleum or petroleum products from a holder of a valid Petroleum Business Licence;
- (c) purchase or sell petroleum that meets KS EAS 158, KS EAS 177, any other relevant Kenya Standard or International Standard ratified by KEBS;
- (d) not offer for sale adulterated petroleum products or petroleum products meant for export;
- (e) shall display EPRA approved prices and adhere to the pricing guidelines set by the Authority;
- (f) ensure that the petroleum dispensing pumps are calibrated and provided with valid calibration certificates within the time period specified by law;
- (g) not under-dispense or sell petroleum products at prices above those determined by the Authority;
- (h) not hoard petroleum products;

- (i) ensure that the construction or operations of either Onshore Marine Refuelling Facility or Marine Refuelling Vessel comply with all applicable laws;
- (j) institute appropriate environmental, health and safety control measures;
- (k) 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 or permit;
- (l) 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 (30) days of the relevant change taking effect; and
- (m) ensure compliance with petroleum road tanker, jetty or berge, discharge procedures to maintain quality of product and safety on the Onshore Marine Refuelling Facility or Marine Refuelling Vessel

(2) A person who fails to meet the conditions in sub-regulation (1) commits an offence and shall be liable to penalties specified in the Eighth Schedule and, where such an offence is not specifically listed, the general penalty specified under the Petroleum Act.

Suspension and Revocation of a Licence.

17. (1) The Authority may at any time revoke or suspend a licence issued under the Petroleum Act and these Regulations if the licensee commits breach of the Petroleum Act, these Regulations, or the terms and conditions specified in the licence.

(2) Unless otherwise specified in the licence, the Authority may give the licensee fourteen days (14) days to show because why the licence should not be suspended or revoked setting out the specific breach.

(3) The Authority shall determine the matter in sub-regulation (2) within thirty (30) days from the expiry of the notice period.

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

(5) Any suspension or revocation of a licence shall not indemnify the licensee from any penalties for which the licensee may have become liable under the Petroleum Act or any other law.

(6) The Authority may publish a list of names of Onshore Marine Refuelling Facilities or Marine Refuelling Vessels which may have

committed any offence under the Petroleum Act or of these Regulations.

Transfer of a Licence.

18. (1) A licensee shall not transfer or otherwise divest any rights, powers, or obligations without the consent of the Authority as prescribed under Section 83 of the Petroleum Act.

(2) An application to transfer a licence shall be lodged in the form and manner prescribed by the Authority.

PART IV – MARINE REFUELLING OPERATIONS

Designation and Location Requirements

19. (1) Marine refuelling vessels shall—
- (a) only be designated as such upon approval by the Authority;
 - (b) have its permanent location designated by a relevant State bodies;
 - (c) be exempted from (20) (1) (b) for the purposes of;
 - (i) replenishment of petroleum stocks from a licenced fuel loading facility
 - (ii) maintenance
 - (iii) inspection and calibration
 - (iv) mitigation against adverse events such as natural calamities or security threats
 - (v) translocation authorized by the Authority
 - (d) maintain a minimum distance of 300 metres away from jetties, quay, pier jetty, wharf, dock, harbor, passenger embarkation areas, boat traffic routes, piers, and ecologically sensitive areas such as mangroves, animal breeding sites, and protected areas, as designated by the relevant State bodies or agencies;
 - (e) maintain a minimum distance of 75 metres from the shore and at least 75 metres apart from each other; and
 - (f) with respect to (20) (1) (e) for inland waterways with a width of less than 150m, the minimum distance from the shore shall be half the width of the waterways at the point of location;
 - (g) The marine refuelling boats operator shall at all times ensure that the vessel is well anchored so as to prevent straying away.

(2) Onshore Marine refuelling facilities shall—

- (a) only be designated as such upon approval by the Authority;
- (b) maintain a minimum distance of 300 metres away from jetties, quay, pier jetty, wharf, dock, harbor, passenger embarkation areas, boat traffic routes, piers, and ecologically sensitive areas such as mangroves, animal

breeding sites, and protected areas, as designated by the relevant State bodies or agencies;

(c) maintain a minimum distance of 150 metres apart from each other or any marine refuelling vessel;

(d) with respect to (20) (2) (c) for enclosed inland waterways with a shoreline of less than 150m, the minimum distance from another Onshore Marine refuelling facility shall be half the length of the shoreline;

(3) no marine vessels except for the purposes of refuelling shall be allowed to operate or be anchored within a designated marine refuelling location;

(4) no open ignition source shall be allowed within a designated marine refuelling location;

(a) smoking is prohibited on boats and vessels and in the dispensing area during fuelling.

(b) all open flames shall be extinguished; engines, motors shall be shut down; and all ports, windows, doors, and hatches shall be closed.

(5) Fuelling shall not take place at night except under the following conditions;

(a) well-lit conditions using intrinsically safe lighting equipment

(b) active emergency preparedness and response

**Regulatory
Compliance to
Marine, Port
and relevant
Authorities**

20. (1) Marine refuelling vessels shall;

(a) Comply with applicable requirements of the Merchant Shipping Act of 2019 and the Merchant Shipping (Vessel Safety) Regulations of 2012, Merchant Shipping (Vessel Licensing) Regulations of 2012, and in particular;

(i) Carry on board a valid Vessel License,

(ii) Carry on board a valid Local Safety Certificate,

(iii) Carry on board a valid insurance cover.

(b) Be constructed from materials that do not react or deteriorate when in contact with fuels or oils,

(c) As much as applicable maintain oil spill contingency plan and equipment;

(d) Provide within the vessel a sludge tank or a means to collect oil spillage and water run offs,

(e) crew competency in firefighting and oil spill containment.

**Refuelling
Operations and
Safety
Measures**

21. (1) refuelling shall only be permitted in designated refuelling locations and using storage tanks conforming to Kenya Standards or provided as part of the marine outboard engine by the marine outboard engine manufacturer

- (2) A designated refuelling area shall either be;
- (a) A marine refuelling vessel at its designated location
 - (b) An onshore marine refuelling facility
 - (c) A marine vessel propelled by a marine outboard engine not carrying passengers conveying petroleum products from a fuel storage container to the outboard engines fuel storage tank via a hand-crank fuel pump through a petroleum grade hose.

- (3) With regard to (22) (2) (c);
- (a) the fuel storage containers must be securely stored in a designated section of the marine vessel isolated from passengers, other cargo and direct sunlight, rain or water ingress.
 - (b) At the point of refuelling all passengers must disembark from the marine vessel

- (4) When refuelling, the fuel vendor shall follow the below basic procedures as a minimum;
- (a) ensure that the marine vessel being refuelled is moored next to the marine refuelling vessel or onshore refuelling facility and remains stable throughout the refuelling process.
 - (b) ensure that the retail dispensing pump(s) and equipment is suitable for operations in marine environment as per KS EAS 977, any other relevant Kenya Standard or International Standard ratified by KEBS;
 - (c) ensure that the hoses from the dispenser to the dispensing nozzle meets the KS EAS 977, KS EAS 978 and any other relevant Kenya or international Standards in particular the length, material and safety provisions;
 - (d) prior to fuelling, ensure that the engine of the vessel being fuelled is turned off and there are no signs of leaks from the tanks or fuel lines.
 - (e) supply an absorbent cloth or a fuel catch to prevent spillage of fuel from the dispensing nozzle prior to and after refuelling
 - (f) to avoid and manage any build up of static electricity during the refuelling process, the dispensing nozzle must be kept in contact with the fuel tank being refilled.

(5) dosing of fuel with engine lubricant shall be done on the marine vessel as per manufacturer's recommendations prior to refuelling.

(6) The Marine Refueling Vessel or Onshore Marine Refueling Facility must display clear legible instructions printed in red capital letters on a white background. These signs shall be prominently posted in the dispensing area and shall provide

specific guidelines for “Before Fueling,” “During Fueling,” and “After Fueling.”

- Environmental Protection Measures**
22. (1) Any person licenced to provide Marine Refueling Services shall implement pollution control measures, including:
- (a) installation of Spill Containment Systems;
 - (i) for above ground storage at Onshore Marine Refuelling Facilities, spill containment shall include bund systems;
 - (ii) for Marine Refuelling Vessels, spill containment shall include double walled hulls in the vessel design and a boom system permanently placed around the vessel; and
 - (iii) provide a product recovery system to collect oil spillages and contaminated fuel such as an oil water separator compliant with effluent discharge requirements as set by EMCA (Water Quality Regulation, 2024).
 - (b) provision of oil-absorbent materials and spill kits for emergency use during refuelling;
 - (c) shall secure spill containment booms, absorbent material, and other weather-sensitive equipment under his ownership;
 - (d) implementing proper waste management measures, including:
 - (i) proper procedures must be in place for the handling, storage, and disposal of hazardous wastes, including used oil and contaminated materials as required under Environmental Management and Coordination Act (Waste Management Regulation, 2024); and
 - (ii) providing adequate facilities for the disposal of waste associated with marine refuelling from refuelled vessels to prevent marine pollution as provided under Environmental Management and Coordination Act (Waste Management Regulation, 2024)
 - (e) conduct water quality tests for monitoring purposes on annual basis or post remediation as provided under Environmental Management and Coordination Act (Water Quality Regulation, 2024).
- Safety**
23. (1) Any person licenced to provide Marine Fueling Services shall comply with all provisions of the Occupational Safety and Health Act 2007 and any subsequent legislation. The licensee shall;
- (a) establish, implement and maintain an Emergency Response Plan
 - (b) conduct safety drills at least annually
 - (c) comply with fire risk reductions rules
 - (d) maintain and replenish first aid kit

(2) provide visible and audible high level alarm for monitoring fuel levels in the fuel storage tanks on the Marine Refuelling Vessel or Onshore Marine Refuelling Facility

(3) The Marine Refuelling Vessels shall have suitably designed energy absorbing fenders system on the side

(4) Onshore Marine Refuelling Facilities or Marine Refuelling Vessels;

(a) shall be fitted with safety warning signages and placards indicating the risk levels, zoning and hazards as set out in the Ninth Schedule

(b) shall be of a unique colour as set out in the Ninth Schedule

(c) shall be fitted with strobe lights of colour and flashing pattern as set out in the Ninth Schedule

(d) Shall be equipped with a radio communication device as prescribed by the Merchant Shipping Radio Communications Regulations 2012 or any other subsidiary regulations

(e) The operators shall at all times adhere to the safety and weathers alerts from relevant State bodies.

(5) An attendant or supervisor shall be on-duty at all times when the vessel is offshore and be responsible for supervising, observing, or controlling the dispensing of petroleum products.

(6) The person in sub-regulation (5) shall:

(a) Be familiar with the dispensing system and emergency shutoff controls.

(b) Ensure the marine craft is properly moored and all connections are made.

(c) Prevent the filling of petroleum products into non-compliant portable containers.

(d) Be within 2 metres of the dispensing controls during the fuelling operation; and

(e) Maintain a direct, clear, unobstructed view of both the vessel fuel filler neck and the emergency fuel shutoff control.

Training

24. The boat owners shall designate, train, and certify operators as required by KMA regulations.

PART V – PETROLEUM MARINE TRANSPORTATION BUSINESS LICENCE

Requirement for Licence

25. (1) A person shall not carry out the business of transportation of petroleum by Marine Vessel except in accordance with a licence issued under the Petroleum Act and these Regulations.

(2) A person who undertakes the business of transportation of petroleum by a Marine Vessel without a valid licence commits an offence and shall on conviction be liable to the fines and penalties as set out in the Eighth Schedule.

- Application for Licence** 26. (1) A person who intends to carry out the business of transportation of petroleum by a Marine Vessel shall make an application to the Authority for a licence in the prescribed manner.
- (2) The application in sub-regulation (1) shall be accompanied by the documents listed in the Part I of the Third Schedule..
- (3) The Authority may from time to time request for additional documents to those listed in the Part I of the Third Schedule..
- (4) The application in sub-Regulation (1) shall be accompanied by the fees set out in the Sixth Schedule.
- (5) The Authority shall review an application submitted under sub-regulation (1) within thirty (30) days of receipt.
- (6) Provided that the application is materially complete, does not offend the provisions of any written law and meets the prescribed requirements, the Authority, upon consideration of the application, may grant a Petroleum Marine Transportation Business Licence without conditions or subject to such conditions as the Authority may deem fit.
- (7) The Authority shall reject an application where such an application fails to meet the requirements for granting of a Petroleum Marine Transportation Business Licence.
- (8) Where the Authority rejects an application for a Petroleum Marine Transportation Business Licence, the Authority shall give the applicant reasons for the rejection in writing within seven (7) days of such rejection.
- Environment Liability Policy** 27. An application for a Petroleum Marine Transportation Business Licence shall be accompanied by an Environment Liability Policy in the format set out in the Seventh Schedule.
- Form and duration of licence** 28. (1) A Petroleum Marine Transportation Business Licence shall be in the format set out in the Part III of the Fifth Schedule.
- (2) The licence in sub-regulation (1) shall contain such conditions as may be determined by the Authority from time to time.
- (3) A licence issued under these Regulations shall be valid for the period of one year
- Renewal of licence** 29. (1) An application for renewal of a Petroleum Marine Transportation Business Licence shall be made to the Authority at least thirty (30) days prior to the expiry date.

(2) An application for renewal in sub-regulation (1) shall be made in the prescribed format and shall be accompanied by the documents set out in the Fourth Schedule and proof of payment of the prescribed fees as set out in the Sixth Schedule.

**Obligations of
Marine
Transportation
Business
licensees**

30. (1) In carrying out Petroleum Marine Transportation Business, a licensee shall —

- (a) transport petroleum products specified in the licence that meet the Kenya Standard;
- (b) ensure that the business complies with the requirements of the Petroleum Act and all other applicable laws;
- (c) transport petroleum for persons who hold valid Petroleum Business Licences issued under the Petroleum Act;
- (d) load petroleum from logistics facilities licensed under the Petroleum Act;
- (e) discharge petroleum only to licensed Marine Refuelling Vessels or Onshore Marine Refuelling Facilities, or to end-users for own consumption
- (f) ensure that all marine vessels used in the transportation of petroleum have valid Petroleum Marine Transport Vessel Permits issued by the Authority;
- (g) ensure that the marine vessels used in the transportation of petroleum are piloted by persons in possession of valid Skipper Certificates issued under this regulation;
- (h) ensure that there is an Emergency Response Plan that meets the criteria set by the Authority;
- (i) implement regular pre-loading Petroleum Marine Transport Vessel inspection in accordance with a checklist approved by the Authority from time to time;
- (j) ensure that the provisions of these Regulations and the conditions of the licence and Petroleum Marine Transport Vessel permits are known to, and understood by all persons employed in or about the licensed premises or the petroleum marine vessels;
- (k) ensure that unauthorized persons do not have access to the Petroleum Marine Transport Vessels.
- (l) Ensure no passenger shall be allowed to board the Petroleum Marine Transport Vessels.

- (m) Petroleum Marine Transport Vessels;
 - (i) shall be fitted with safety warning signages and placards indicating the risk levels, zoning and hazards as prescribed by the Authority on the Ninth Schedule
 - (ii) shall be of a unique colour as prescribed by the Authority on the Ninth Schedule
 - (iii) shall be fitted with strobe lights of colour and flashing pattern as prescribed by the Authority on the Ninth Schedule
 - (iv) Shall be equipped with a radio communication device as prescribed by the Merchant Shipping Radio Communications Regulations 2012 or any other subsidiary regulations
 - (v) the operators shall at all times adhere to the safety and weathers alerts from relevant State bodies.
 - (vi) Shall have signage , placards reflective tapes and chevrons mounted as prescribed by the Authority on the Ninth Schedule

(2) A petroleum marine transportation business licensee who fails to comply with the requirements listed in sub-regulation (1) commits an offence and shall on conviction be liable to the fines and penalties set out in the Eighth Schedule.

Journey Plans 31. (1) A Petroleum Marine Transportation Business licensee shall ensure that a Journey Plan duly signed by the licensee or the authorized representative accompanies each petroleum delivery.

(2) The Journey Plan in sub-regulation (1) shall specify the:

- (a) registration number of the marine vessel;
- (b) date and time of travel;
- (c) type of cargo on board;
- (d) name and national identification card number of the skipper;
- (e) name of the authorizing officer;
- (f) route of travel, designated stopping and resting points;
- (g) maximum allowed continuous piloting time by an individual skipper which shall not exceed four (4) hours;
- (h) rest period after continuous piloting, which shall not be less than thirty (30) minutes;

- (i) combined piloting hours including rest period(s) shall not exceed ten (10) hours in any twenty-four (24) hour period

PART VI– PETROLEUM MARINE TRANSPORT VESSEL PERMIT

- Prohibition against use of petroleum marine transport vessel without permit**
32. (1) A person shall not use or cause to be used a Petroleum Marine Transport Vessel for transportation of petroleum on inland and coastal waters unless it is in possession of a valid Petroleum Marine Transport Vessel Permit issued under the Petroleum Act.
- (2) A person who operates or causes to be used a petroleum marine vessel without a valid permit shall commit an offence and shall on conviction be liable to the fines and penalties set out in the Eighth Schedule.
- Application for a permit**
33. (1) A person intending to use or cause to be used a Petroleum Marine Transport Vessel shall apply to the Authority for a permit in the prescribed manner accompanied by the documents listed in Part IV of the Fifth Schedule.
- (2) The application in sub-regulation (1) shall be accompanied by the fees set out in the Sixth Schedule.
- (3) The Authority shall review an application submitted under sub-regulation (1) within thirty (30) days of receipt.
- (4) The Authority shall reject an application for a Petroleum Marine Transport Vessel Permit where such an application does not meet the requirements.
- (5) Where the Authority rejects an application for a Petroleum Marine Transport Vessel Permit, the Authority shall give the applicant reasons for the rejection in writing within seven (7) days of such rejection.
- Form and duration of permit**
34. (1) A person applying for a Petroleum Marine Transport Vessel Permit shall be guided by the requirements set out in Part II of the Third Schedule
- (2) A Petroleum Marine Transport Vessel Permit shall be in the format set out in Part IV of the Fifth Schedule
- (3) The permit in sub-regulation (1) shall be valid for the period specified in the permit.
- Renewal of a Permit**
35. (1) An application for renewal of a permit shall be made to the Authority at least thirty (30) days prior to the expiry date.
- (2) An application for renewal in sub-regulation (1) shall be in the prescribed manner and shall be accompanied by the documents set out in Part II of the Third Schedule.

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

Vessel tracking 36. (1) A licensed Petroleum Marine Transport Vessel shall be equipped with a properly functioning vessel tracking device with a Global Positioning System (GPS) capable of generating reports of distance, location and speed.

(2) The reports in sub-regulation (1) shall be availed to the Authority whenever required.

(3) Evidence of installation of the tracking system in sub-regulation (1) shall be provided as part of the requirements for licence application as specified in the Part II of the Third Schedule.

Designated Dock or Wharf 37. (1) A person shall not cause a Petroleum Marine Transport Vessel to be berthed or anchored in an area other than a designated dock or wharf.

(2) Where a Petroleum Marine Transportation Business licensee has developed an exclusive dock or wharf for their Petroleum Marine Transport Vessel(s), the licensee shall ensure that it is constructed in a manner such as to minimize impacts on safety, health and the environment.

(3) No person shall cause a Petroleum Marine Transport Vessel to be docked within one hundred (100) metres from a residential area.

38. (1) A dock or wharf for Petroleum Marine Transport Vessels shall:

- (a) only be designated as such upon approval by the Authority;
- (b) have its location designated by a relevant State bodies or County Governments;
- (c) be located at a minimum distance of:
 - (i) 500 metres away from jetties, quay, pier jetty, wharf, dock, harbor, passenger embarkation areas, boat traffic routes, piers, and ecologically sensitive areas such as mangroves, animal breeding sites, and protected areas, as designated by the relevant State bodies or agencies;
 - (ii) 500 metres from an onshore marine refueling facility
 - (iii) 500 metres from an marine refueling vessel
 - (iv) 200 metres from one another
- (d) with respect (39) (1)(c) for inland waterways with shore lengths of less than the distances specified, the minimum distances shall be half the length of the waterways at the point of location;

39. (1) no marine vessels except for Petroleum Marine Transport Vessels shall be allowed to operate or be anchored within a designated dock or wharf.
40. (1) No open ignition source shall be allowed within a designated dock or wharf and:
- (a) smoking shall be prohibited on boats, vessels and in the designated dock or wharf;
 - (b) all open flames shall be extinguished;
 - (c) engines and motors shall be shut down and all electrical ports, windows, doors, and hatches shall be closed.
41. (1) All designated docks or wharfs shall be;
- (a) well marked with bouys and strobe lights as set out in the Ninth Schedule
 - (b) well lit using intrinsically safe lighting equipment

PART VII – SKIPPER CERTIFICATION

Skipper Certificate

42. (1) A person shall not pilot a Petroleum Marine Transport Vessel unless he is in possession of a valid Skipper Certificate
- (2) A person who pilots A Petroleum Marine Transport Vessel without a valid Skipper Certificate commits an offence and shall on conviction be liable to the fines and penalties as set out in the Eighth Schedule.

Application for Certificate

43. (1) A person who intends to pilot a Petroleum Marine Transport Vessel shall make an application to the Authority for a Skipper Certificate in the prescribed manner as set out in Part V of the Fifth Schedule.
- (2) The application in sub-regulation (1) shall be accompanied by the documents listed in Part III of the Third Schedule and the fees set out in the Sixth Schedule.
- (3) The Authority may from time to time request additional documents to those listed in the Part III of the Third Schedule.
- (4) The Authority shall review an application submitted under sub-regulation (1) within thirty (30) days of receipt.
- (5) The Authority shall reject an application where such an application fails to meet the requirements for granting a Skipper Certificate.
- (6) Where the Authority rejects an application for a Skipper Certificate, the Authority shall give the applicant reasons for the rejection in writing within seven (7) days of such rejection.

Form of Certificate	<p>44. (1) A Skipper Certificate shall be in the format set out in Part V of the Fifth Schedule.</p> <p>(2) A Skipper Certificate issued under these Regulations shall be valid for the period of one year.</p>
Possession of Skipper Certificate	<p>45. (1) A Skipper shall at all times when piloting or in any way controlling a Petroleum Marine Transport Vessel have in his possession the Skipper Certificate, or a certified copy thereof.</p> <p>(2) A Skipper Certificate issued under these Regulations:</p> <ul style="list-style-type: none"> (a) remains the property of the Authority; (b) may be modified, suspended, revoked or amended at any time in accordance with the provisions of the Petroleum Act, 2019; (c) may not be tampered with or defaced in any manner; and (d) is not transferable.
Renewal of a Skipper Certificate	<p>46. (1) An application for renewal of a Skipper Certificate shall be made at least thirty (30) days prior to its expiry.</p> <p>(2) An application for renewal in sub-regulation (1) shall be in the prescribed manner and shall be accompanied by the documents set out in Part III of the Third Schedule and proof of payment of the fees set out in the Sixth Schedule.</p>
Obligations of Certificate Holder	<p>47. (1) A Skipper shall:</p> <ul style="list-style-type: none"> (a) not pilot a Petroleum Marine Transport Vessel unless such a vessel has a valid Petroleum Marine Transport Vessel Permit issued by the Authority; (b) not allow another person who is not in possession of a valid Skipper Certificate to pilot or take control of a Petroleum Marine Transport Vessel in his custody; (c) not tamper with the quality of the petroleum products in his custody; (d) not divert petroleum destined for export into the local market; (e) ensure operation of the Petroleum Marine Transport Vessel in accordance with the requirements of the Petroleum Act and pertinent regulations;

- (f) transport petroleum for petroleum business licensee(s) in possession of valid licences issued under the Petroleum Act;
- (g) load petroleum from petroleum logistics facilities in possession of a valid licence issued under the Petroleum Act;
- (h) discharge petroleum to a facility in respect of which a licence has been issued under the Petroleum Act, to an end-user for own consumption
- (i) comply with the Emergency Response Plan that has been developed by the Petroleum Marine Transportation Business Licensee
- (j) implement regular pre-loading vessel inspection in accordance with a checklist approved by the Authority;
- (k) comply with arrangements for the safe Docking or Berthing of Petroleum Marine Transport Vessel in accordance with the Emergency Response Plan;
- (l) dock a Petroleum Marine Transport Vessel in designated docking or berthing areas;
- (m) not to berth a Petroleum Marine Transport Vessel outside Designated Dock or Wharf unless;
 - (i) Temporarily at a designated marine refueling area while offloading petroleum products
 - (ii) Temporarily at a jetty terminal to load petroleum product
 - (iii) Temporarily at a dry dock for maintenance
 - (iv) otherwise instructed by the Authority or any other relevant State bodies
- (n) be in possession of and adhere to the journey plan, which shall be signed by the owner of the Petroleum Marine Transport Vessel or the authorized representative; and
- (o) not carry unauthorized passengers or cargo.

(2) A person who fails to comply with the requirements listed in sub-regulation (1) commits an offence and shall on conviction be liable to the fines and penalties as set out in the Eighth Schedule.

PART VIII – MISCELLANEOUS

Display of Permits and Licences

48. (1) A Construction Permit or a Marine Refuelling Business Licence, or a certified copy thereof, shall be displayed in a conspicuous position at the premises in respect of which it is issued.

(2) All the Licences, Permits and Certificates issued under the Petroleum Act and this Regulation:

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

(3) A person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the fines and penalties as set out in the Eighth Schedule.

Reporting of Accidents or Incidents.

49. (1) A Marine Refuelling Business or Petroleum Marine Transportation Business licensee shall notify the Authority within Forty Eight (48) hours of occurrence of an accident or incident as set out in the Tenth Schedule. The threshold of reportable accidents or incidences includes those ones causing:-

- (a) loss of life or permanent disability;
- (b) damage to property or the environment
- (c) an oil-spill of 100 litres or more or an accidental gas release of 100 kilograms or more in quantity; or
- (d) a fire or an explosion resulting in (a) or (b) above.

(2) The information to be submitted to the Authority shall be as set out in the Tenth Schedule.

(3) A person licensed to undertake Marine Refuelling Business or Petroleum Marine Transportation Business who fails to comply with this Regulation commits an offence and shall be liable on conviction to the fines and penalties as set out in the Eighth Schedule.

Investigation of Accidents or Incidents.

50. (1) A person licensed to undertake Marine Refuelling Business or Petroleum Marine Transportation Business shall investigate any accident or incident reported under Regulation 49 within Fourteen (14) days or any such extended period as approved by the Authority from the date of the incident and submit a report containing the:

- (a) cause of the accident;
- (b) all 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 (30) days and shall either:

(a) accept the report; or

(b) request for adjustment; or

(c) reject the report giving reasons and other directives.

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

(4) Where required, the Marine Refuelling Business or Petroleum Marine Transportation Business owner or operator whose facility was involved in the accident or incident shall grant access to the Authority to undertake investigations.

Inspections.

51. The Authority may enter and inspect any Marine Refuelling Facility or Petroleum Marine Transportation vessel or any premises where Marine Refuelling Business or Petroleum Marine Transportation Business is conducted or suspected to be conducted for purposes of inspections pursuant to the provisions of the Petroleum Act or Regulations made thereunder.

Disclosure of information

52. (1) No person shall obstruct, hinder, withhold information or provide false information as may be requested by the Authority provided that such information is requested.

(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable on conviction to the fines and penalties prescribed in the Eighth Schedule.

Appeals.

53. (1) A person has the right to appeal against the decision of the Authority where the Authority:

(a) refuses to grant or renew a licence, permit or certificate or revokes a licence, permit or certificate; or

(b) imposes conditions on a licence, permit or certificate; or

(c) refuses to replace or amend a licence, permit or certificate; or

(d) suspends or revokes a license, permit or certificate.

(2) A person aggrieved by the reasons in sub-regulation (1), may appeal to the Tribunal within thirty (30) days of receipt of the Authority's decision.

- General Penalties** 54. A person who commits an offence under these regulations for which no express penalty is provided shall on conviction be liable to the penalties prescribed under Section 99 of the Petroleum Act.
- Transitional Clause** 55. (1) All existing licensees shall be required to comply with these Regulations within the periods, from the date of these Regulations coming into force, as listed below;
- (a) in the case of Marine Refuelling Facilities:
 - i. comply with these within twenty four (24) months from the date of coming into force of these Regulations;
 - (b) in the case of Petroleum Marine Transport Vessel:
 - i. comply with these within twenty four (24) months from the date of coming into force of these Regulations;
 - (c) in the case of Petroleum Marine Transport Vessel Skippers:
 - i. comply with these within twenty four (24) months from the date of coming into force of these Regulations;
 - (d) in the case of Marine Refuelling Operations:
 - i. comply with these within twenty four (24) months from the date of coming into force of these Regulations;
- Repeal** 56. Where no exclusion has been made as listed in sub-regulation (1), the requirements of these Regulations shall be effective immediately from the date of coming into force of these Regulations.

Dated 2025

HON. J. OPIYO WANDAYI, EGH
Cabinet Secretary
Ministry of Energy and Petroleum

FIRST SCHEDULE
Regulation 6(1) and 7(1)
PART I – REQUIREMENTS FOR CONSTRUCTION PERMIT FOR ONSHORE MARINE REFUELLING FACILITY, MARINE REFUELLING VESSEL OR PETROLEUM MARINE TRANSPORT VESSEL

1.	Certificate of Incorporation / Business Registration Certificate;
2.	<i>CR12 from the Registrar of companies (should not be older than 1 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' IDs);</i>
3.	Legible Copies of Identification Documents (IDs/Passports for all the directors);
4	Outline of the methods of financing of the project;

5.	Valid Work Permits Class "G" for all foreign directors working in Kenya (<i>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</i>);
6.	For Onshore Marine Refuelling Facilities, Development permission from the respective County Government (including County Physical Planning Office);
7.	Approval to construct Onshore Marine Refuelling Facility, Marine Refuelling Vessel or Petroleum Marine Transport Vessel from the relevant State bodies (Kenya Maritime Authority / Kenya Ports Authority/ Water Resources Authority whichever is applicable);
8.	Mechanical engineer's drawings specifying materials and design/ operational limitations (Petroleum tank(s) designs, pipe-work, and for marine vessels, the layout including General drainage and OWS layout/ designs);
9.	For Onshore Marine Refuelling Facilities, Civil engineer's drawings showing details of petroleum tank cradle and backfill designs; Forecourt layout and surface designs; General drainage and OWS layout/ designs;
10.	Certified copies of valid practicing Certificates issued by the Engineers Board of Kenya as per the Engineers Act (2011) for Engineers or Consulting Firms that shall have prepared the designs under items 8 & 9 above; and
11.	Valid Environmental Impact Assessment license from NEMA approving the development of the project/facility. This requirement shall not apply to Petroleum Marine Transport Vessels
12.	Proof of ownership/lease of the land on which the onshore marine refuelling facility is to be built or ownership of the marine refuelling vessel or petroleum marine transport vessel

**PART II (A)– FORM OF ONSHORE MARINE REFUELLING FACILITY
CONSTRUCTION PERMIT**



PERMIT NO.

**THE PETROLEUM ACT, 2019
ONSHORE MARINE REFUELLING FACILITY CONSTRUCTION PERMIT**

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

Construction of: Onshore Marine Refuelling Facility

On premises situated at: : _____
Plot No. : _____
Water Body : _____
Street/Market : _____
Town/County : _____
This Permit expires on : _____

Dated this: _____

Signature _____

(SEAL)

*Director General
Energy & Petroleum Regulatory Authority*

Conditions:

1. As per Section 76(1) and (2) of the Petroleum Act

PART II (B)– FORM OF MARINE REFUELLING VESSEL CONSTRUCTION PERMIT



PERMIT NO.

**THE PETROLEUM ACT, 2019
MARINE REFUELLING VESSEL CONSTRUCTION PERMIT**

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

Construction of: Marine Refuelling Vessel

Vessel builder : _____
Vessel builder Address : _____
Water Body : _____
Town/County : _____
This Permit expires on : _____

Dated this: _____

Signature _____

(SEAL)

*Director General
Energy & Petroleum Regulatory Authority*

Conditions:

1. As per Section 76(1) and (2) of the Petroleum Act

**PART II (C)– FORM OF PETROLEUM MARINE TRANSPORT VESSEL
CONSTRUCTION PERMIT**



PERMIT NO.

**THE PETROLEUM ACT, 2019
PETROLEUM MARINE TRANSPORT VESSEL CONSTRUCTION PERMIT**

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

Construction of: Petroleum Marine Transport Vessel

Vessel builder : _____

Vessel builder Address : _____

Water Body : _____

Town/County : _____

This Permit expires on : _____

Dated this: _____

Signature _____

(SEAL)

*Director General
Energy & Petroleum Regulatory Authority*

Conditions:

1. As per Section 76(1) and (2) of the Petroleum Act

**SECOND SCHEDULE
Regulation 9(7)**

**PART I – FORM OF WRITTEN UNDERTAKING FOR ONSHORE MARINE
REFUELLING FACILITY**



**WRITTEN UNDERTAKING TO THE ENERGY & PETROLEUM REGULATORY
AUTHORITY**
(Standard Form as approved by EPRA)

WHEREAS Regulation 9(6) of the Petroleum (Marine Refuelling) Regulations 2025, made under the authority of the *Petroleum Act 2019* requires an applicant for a Construction Permit to make a written undertaking to the Energy and Petroleum Regulatory Authority (EPRA) within thirty (30) 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 station constructed, hereby warrants to abide by the terms and conditions stipulated in the Construction Permit issued by EPRA.**

PERMIT No.:	PETROLEUM FACILITY:
PLOT No.:	LOCATION:
STREET/MARKET:	TOWN/COUNTY:
WATER BODY:	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 No. 2 of 2019 or in any statement required to be furnished under the Act, or pursuant to the Petroleum (Marine Refuelling) Regulations 2025, is on conviction, liable to such fines and penalties as prescribed by the Authority.

**PART II – FORM OF WRITTEN UNDERTAKING FOR MARINE REFUELLING
VESSEL**



**WRITTEN UNDERTAKING TO THE ENERGY & PETROLEUM REGULATORY
AUTHORITY**

(Standard Form as approved by EPRA)

WHEREAS Regulation 9(6) of the Petroleum (Marine Refuelling) Regulations 2025, made under the authority of the *Petroleum Act 2019* requires an applicant for a Construction Permit to make a written undertaking to the Energy and Petroleum Regulatory Authority (EPRA) within thirty (30) 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 station constructed, hereby warrants to abide by the terms and conditions stipulated in the Construction Permit issued by EPRA.

PERMIT No.:	PETROLEUM FACILITY:
VESSEL BUILDER:	LOCATION:
VESSEL BUILDER ADDRESS:	TOWN/COUNTY:
WATER BODY:	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 No. 2 of 2019 or in any statement required to be furnished under the Act, or pursuant to the Petroleum (Marine Refuelling) Regulations 2025, is on conviction, liable to such fines and penalties as prescribed by the Authority.

**PART III – FORM OF WRITTEN UNDERTAKING FOR MARINE TRANSPORT
VESSEL**



**WRITTEN UNDERTAKING TO THE ENERGY & PETROLEUM REGULATORY
AUTHORITY**

(Standard Form as approved by EPRA)

WHEREAS Regulation 9(6) of the Petroleum (Marine Refuelling) Regulations 2025, made under the authority of the *Petroleum Act 2019* requires an applicant for a Construction Permit to make a written undertaking to the Energy and Petroleum Regulatory Authority (EPRA) within thirty (30) 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 station constructed, hereby warrants to abide by the terms and conditions stipulated in the Construction Permit issued by EPRA.

PERMIT No.:	PETROLEUM FACILITY:
VESSEL BUILDER:	LOCATION:
VESSEL BUILDER ADDRESS:	TOWN/COUNTY:
WATER BODY:	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 No. 2 of 2019 or in any statement required to be furnished under the Act, or pursuant to the Petroleum (Marine Refuelling) Regulations 2025, is on conviction, liable to such fines and penalties as prescribed by the Authority.

THIRD SCHEDULE

PART I - REQUIREMENTS FOR APPLICATION FOR NEW BUSINESS LICENCE FOR ONSHORE MARINE REFUELLING FACILITY, MARINE REFUELLING VESSEL OR PETROLEUM MARINE TRANSPORTATION

Regulation 12(1), 26(2), 26(3)

1.	Certificate of Incorporation / Business Registration Certificate;
2.	<i>CR12</i> from the Registrar of companies (<i>should not be older than 1 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' IDs</i>);
3.	Legible Copies of Identification Documents (<i>IDs/Passports for all the directors</i>);
4.	Valid Work Permits Class "G" for all foreign directors working in Kenya (<i>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</i>);
5.	For an Onshore Marine Refuelling Facility, 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 valid for at least twelve (12) months plus the title deed of the land owner or an allotment letter in the name of the proponent certified by the County Government;
6.	For Marine Refuelling Vessel and Petroleum Marine Transport Vessel proof of vessel ownership (copy of certificate of registration in the name of company/director(s)). In the case of long-term vessel lease, copy of duly notarized lease agreement in the name of the Applicant company valid for at least twelve (12) months plus the certificate of registration of the vessel owner ;
7.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
8.	A valid Single Business Permit for the premises of operation from the respective County Government;
9.	A valid Environmental Impact Assessment licence from NEMA for the facility;
10.	A valid Fire Clearance Certificate for the facility from the respective County Government;
11.	For an Onshore Marine Refuelling Facility, certificate of Compliance with the Physical Planning Act 2019 (<i>PPA5 or PPA2</i>);
12.	A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
13.	A valid calibration certificate for each petroleum storage tank at the facility;
14.	A valid certificate of calibration of the petroleum dispensing units' meters from the Department of Weights and Measures;
15.	A pressure test report for the petroleum tanks and pipelines at the facility (for new facilities);
16.	A colour photo of the facility clearly showing the dispensing and storage area;
17.	A summary Emergency Response Plan for the facility; and
18.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act.

**PART II – REQUIREMENTS FOR APPLICATION AND RENEWAL OF
PETROLEUM MARINE TRANSPORT VESSEL PERMIT**

Regulation 34(1) , 35(2), 36(3)

1.	Vessel Registration Certificate for each vessel (<i>Attach a certified valid lease agreement if vessel not in the name of the applicant</i>);
2.	A valid Fire certificate for each vehicle from the County Government;
3.	A valid calibration certificate for the petroleum storage tank on the vessel
4.	A valid Vessel Inspection Certificate from the Kenya Maritime Authority for each Vessel.
5.	A valid Petroleum Marine Transport Vessel Skipper Certificate
6.	Evidence of installation of the Global Positioning System (GPS) tracking system capable of generating reports of distance, location and speed

**PART III – REQUIREMENTS FOR APPLICATION AND RENEWAL OF SKIPPER
CERTIFICATE**

Regulation 43(2) , 43(3), 46(2)

1.	Identification Document (ID) for the applicant;
2.	A valid certificate of fitness of the applicant from a doctor approved by the Directorate of Occupation Safety and Health and Services;
3.	Basic training on petroleum safety from an institution approved by Technical and Vocational Education and Training Authority or National Industrial Training Authority.
4.	A valid Certificate of Competency (CoC) or Small Boat Operators Licence (BOL) or Pilotage Licence (PL) for the applicant for the appropriate class of Vessel issued by relevant Kenya Maritime Authority (KMA);
5.	A Police Clearance Certificate of the applicant (<i>should not be older than 1 year at the time of submission of the application</i>); and
6.	A colour Passport size photo of the applicant.

**PART IV – LICENCE AMENDMENT APPLICATION FORM FOR ONSHORE
MARINE REFUELLING FACILITY, MARINE REFUELLING VESSEL,
PETROLEUM MARINE TRANSPORTATION OR SKIPPER CERTIFICATE**

Regulations 15 (4)

1. Licence number for the licence you wish to amend: _____

2. Indicate the type of amendment you would wish to make (*tick as appropriate*):
 - Change of Premises
 - Change of Business/Company /Skipper Name
 - Addition of petroleum product tanks
 - Decommission of petroleum product tanks

3. a) Criteria to be met for amendment of a licence is attached in this regulation.
 - a. Change of Premises
 - i. A valid Single Business Permit for the premises of operation from the respective County Government
 - b. Change of Business/Company Name
 - i. Certified copy of CR12 from the Registrar of companies (Not older than one (1) year) for limited companies; and
 - ii. Certified copy of Certificate of Change of Name
 - c. Addition of petroleum product tanks
 - i. Tanks inspection reports by an accredited competent person in compliance with the Kenya Standards or international standards ratified by the Kenya Bureau of Standards;
 - d. Decommission of petroleum product tanks
 - i. Tank decommissioning reports by an accredited competent person;

FOURTH SCHEDULE

REQUIREMENTS FOR APPLICATION FOR RENEWAL OF BUSINESS LICENCE FOR ONSHORE MARINE REFUELLING FACILITY, MARINE REFUELLING VESSEL OR PETROLEUM MARINE TRANSPORT VESSEL

Regulation 14(2), 29(2)

1.	<i>CR12</i> from the Registrar of companies (<i>should not be older than 1 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' IDs</i>);
2.	Legible Copies of Identification Documents (<i>IDs/Passports for all the directors</i>);
3.	Valid Work Permits Class "G" for all foreign directors working in Kenya (<i>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</i>);
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.	For an Onshore Marine Refuelling Facility, 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 valid for at least six (6) months plus the title deed of the land owner or an allotment letter in the name of the proponent certified by the County Government;
7.	For Marine Refuelling Vessel and Petroleum Marine Transport Vessel proof of vessel ownership (copy of certificate of registration in the name of company/director(s)). In the case of long-term vessel lease, copy of duly notarized lease agreement in the name of the Applicant company valid for at least six (6) months plus the certificate of registration of the vessel owner ;
8.	An acknowledgement from NEMA of having submitted an annual Environmental Audit report for the facility (<i>the acknowledgement should not be older than 1 year at the time of submission of the application</i>);
9.	A valid Fire Clearance Certificate for the facility from the respective County Government;
10.	A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
11.	A valid calibration certificate for each petroleum storage tank at the facility;
12.	A valid certificate of calibration of the petroleum dispensing units' meters from the Department of Weights and Measures;
13.	A summary Emergency Response Plan for the facility; and
14.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act.

FIFTH SCHEDULE

PART I - FORM OF PETROLEUM BUSINESS LICENCE FOR ONSHORE MARINE
REFUELLING FACILITY

Regulation 13(1)



THE PETROLEUM ACT, 2019
ONSHORE MARINE REFUELLING FACILITY BUSINESS LICENCE

No. EPRA/PET _____

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

LICENCE NAME

On premises situated at : _____
Plot No. : _____
Designated Marine Refuelling Area : _____
Water Body : _____
Street/Market : _____
Town/County : _____
This licence expires on : _____

Dated this: _____

Signature

(SEAL)

Director General
Energy & Petroleum Regulatory Authority

Conditions:

1. As per Section 76(1) and (2) of the Petroleum Act

**PART II - FORM OF PETROLEUM BUSINESS LICENCE FOR MARINE
REFUELLING VESSELS**

Regulation 13(1)



**THE PETROLEUM ACT, 2019
MARINE REFUELLING VESSEL BUSINESS LICENCE**

No. EPRA/PET _____

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

LICENCE NAME

On premises situated at : _____

Designated Marine Refuelling Area : _____

Water Body : _____

Beach/Marine Area : _____

Town/County : _____

This licence expires on : _____

Dated this: _____

Signature

(SEAL)

***Director General
Energy & Petroleum Regulatory Authority***

Conditions:

1. As per Section 76(1) and (2) of the Petroleum Act

**PART III - FORM OF BUSINESS LICENCE FOR PETROLEUM MARINE
TRANSPORTATION**

Regulation 28(1)



**THE PETROLEUM ACT, 2019
PETROLEUM MARINE TRANSPORTATION
BUSINESS LICENCE**

No. EPR/PET _____

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

LICENCE NAME

On premises situated at : _____

Plot No. : _____

Building : _____

Street/Market : _____

Town/County : _____

This licence expires on : _____

Dated this: _____

Signature

(SEAL)

***Director General
Energy & Petroleum Regulatory Authority***

Conditions:

1. As per Section 76(1) and (2) of the Petroleum Act

PART IV - FORM OF PETROLEUM MARINE TRANSPORT VESSEL PERMIT

Regulation 34(2)

The Petroleum Act, 2019



**PETROLEUM MARINE TRANSPORT VESSEL
PERMIT**

PERMIT NO.

This Petroleum Marine Transport Vessel Permit authorizes the transportation of: Petroleum Products Liquefied Petroleum Gas (Tick as appropriate) in the petroleum marine transport vessel whose details appear below;

Marine Vessel No. : _____

Hull ID No.(HIN)/IMO No. : _____

Maximum Capacity : _____

Petroleum Marine Transporter : _____

Water Body : _____

This Permit expires on : _____

Dated this: _____

Signature: _____

Director General/CEO

PART V - FORM OF SKIPPER CERTIFICATE

Regulation 43(1), 44(1)

The Petroleum Act, 2019



SKIPPER CERTIFICATE



Class: **Number** _____

Name: _____

National ID No.: _____

KMA CoC/BOL/PL No.: _____

This Certificate authorizes the Holder to pilot a Petroleum Marine Transport Vessel

Date of Issue: _____

Expiry Date: _____

**Director General,
Energy and Petroleum Regulatory Authority**

THIS CERTIFICATE SHALL REMAIN VALID UPTO EXPIRY DATE INDICATED ON FRONT SIDE SUBJECT TO THE HOLDER BEING IN THE REGISTER MAINTAINED BY THE AUTHORITY AT www.epra.go.ke.

THIS CERTIFICATE IS THE PROPERTY OF THE ENERGY AND PETROLEUM REGULATORY AUTHORITY AND SHOULD BE SURRENDERED, IF FOUND TO:

ENERGY AND PETROLEUM REGULATORY AUTHORITY
P.O. BOX 42681-00100 NAIROBI KENYA

SIXTH SCHEDULE

Regulation 6(3), 12 (2)(a), 14(2), 15(5), 26(4), 29(2), 33(2), 35(3), 43(2), 46(2)

FEES SCHEDULE

Description-Category of Licence Fees	New Application (Amount in Kshs)	Extension Application (Amount in Kshs)	Amendment Application (Amount in Kshs)
Marine Refuelling Vessel Construction Permit	5,000	2,000	1,000
Onshore Marine Refuelling Facility Construction Permit	5,000	2,000	1,000
Petroleum Marine Transport Vessel Construction Permit	5,000	2,000	1,000
Description-Category of Licence Fees	New Application (Amount in Kshs)	Renewal Application (Amount in Kshs)	Amendment Application (Amount in Kshs)
Onshore Marine Refuelling Facilities Business Licence	5,000	2,000	1,000
Marine Refuelling Vessels Business Licence	5,000	2,000	1,000
Petroleum Marine Transportation Business Licence	5,000	2,000	1,000
Petroleum Marine Transport Vessel Permit	2,000	1,000	500
Skipper Certificate	750	500	250

SEVENTH SCHEDULE

Regulation 12 (2)(b), 27

ENVIRONMENT LIABILITY POLICY

(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.

Our commitment to the environment extends to our customers, our staff and the community from where we operate. We are committed to:

- Complying with all applicable environmental preservation and sustainability legislation;
- Preventing pollution whenever possible through efficient waste management strategies that promote waste minimization, re-use, recovery, recycling, as appropriate;
- Promoting and continually investing in technologies that provide alternatives to business travel and transport;
- Adopting a procurement programme which takes into account the environmental impact of products and services;
- Promoting the protection and enhancement of biodiversity and ecosystems through employee awareness programs and stakeholder engagement;
- 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;
- Communicating our environmental commitment and efforts to our customers, staff and the community; and
- Pursuing a programme of continuous improvement by reviewing our Environmental Management System and related objectives and targets, policies and practices.
- Reporting to the relevant State bodies, accidents or incidents causing pollution of the environment, investigating the accidents/incidents and undertaking clean up or restoration of the affected areas.

Signature:

Designation:.....

Stamp/Seal:.....

Review date:.....

This policy will be reviewed on a regular basis to evaluate continued relevance and to monitor compliance.

EIGHTH SCHEDULE

Regulations 5(3), 11(2), 16(2), 30 (2), 32(2), 42(2), 47 (2), 48 (3), 49(2), 52(2)

OFFENCES, FINES AND PENALTIES

Regulations	Offence	Fine and Penalty
5(3)	Undertaking construction of Onshore Marine Refuelling Facilities, Marine Refuelling Vessels or Petroleum Marine Transport Vessels without a valid Construction Permit	Upon conviction, a fine of not less than Kshs 1,000,000 as prescribed in the Petroleum Act (s 91(3)).
11 (2)	Undertaking the business of selling, transporting or storing of petroleum products from either an Onshore Marine Refuelling Facility or Marine Refuelling Vessel without a valid licence	On admission of offence, Kshs. 20,000 for each offence; or Upon conviction, a fine of not less than Kshs 1,000,000, or imprisonment for a term of not less than 3 years, or both such fine and imprisonment, as prescribed in the Petroleum Act (s 74(3)(b)).
16 (2)	Failure to meet Onshore Marine Refuelling Facility or Marine Refuelling Vessel licensee obligations	On admission of offence, Kshs. 20,000 for each offence; or Upon conviction, a fine of not less than Kshs 500,000, or imprisonment for a term of not less than 3 years, or both such fine and imprisonment, as prescribed in the Petroleum Act (s 99(2)(a)).
25 (2)	Undertaking the business of transporting petroleum products without a valid licence	On admission of offence, Kshs. 20,000 for each offence; or Upon conviction, a fine of not less than Kshs 1,000,000, or imprisonment for a term of not less than 3 years, or both such fine and imprisonment, as prescribed in the Petroleum Act (s 74(3)(b)).

Regulations	Offence	Fine and Penalty
30(2)	Failure to meet marine transportation business licensees obligations	On admission of offence, Kshs. 20,000 for each offence; or Upon conviction, a fine of not less than Kshs 500,000, or imprisonment for a term of not less than 3 years, or both such fine and imprisonment, as prescribed in the Petroleum Act (s 99(2)(a)).
32(2)	Operating a Marine Transport Vessel without a valid Petroleum Marine Transport Vessel Permit	On admission of offence, Kshs. 20,000 for each offence; or Upon conviction, a fine of not less than Kshs 1,000,000, or imprisonment for a term of not less than 3 years, or both such fine and imprisonment, as prescribed in the Petroleum Act (s 74(3)(b)).
42(2)	Piloting a Marine Transport Vessel without Skipper Certificate	Kshs 50,000
47(2)	Failure to meet Skipper obligations	Kshs 20,000
48(3)	Failure to display valid construction permit and or petroleum marine business licence	Not exceeding KShs. 1,000,000 as prescribed in the Petroleum Act (s 80(2)).
49(2)	Failure to report accidents/incidents	Kshs 100,000
52(2)	Failure to disclose requested information	Kshs 100,000

NINTH SCHEDULE

SAFETY SIGNAGE, COLOUR CODING, STROBES, VESSEL TRACKING AND COMMUNICATION

Regulation 22 (4) (a) (b) (c), 30 (1)(m), 41 (1)(a)

Type of Assets	Colour Code	Strobe Colour and Signalling Sequence	Bouy Colour	Minimum Safety Signage	CB Band Communication Channel
Marine Refuelling Vessel	Orange	Amber	Red	i. No Smoking ii. Refuelling Procedures iii. Hazardous Area	CB Channel 13 (27.11500 Mhz)
Onshore Marine Refuelling Facility	Blue	Amber	Red	i. No Smoking ii. Refuelling Procedures iii. Hazardous Area	CB Channel 13 (27.11500 Mhz)
Petroleum Marine Transport Vessel	Red	Amber	Red	i. No Smoking ii. Refuelling Procedures iii. Hazardous Area	CB Channel 13 (27.11500 Mhz)

TENTH SCHEDULE

ACCIDENT REPORTING FORM

Regulation 49 (1)

1. Name of Licensee: _____
2. Facility Registration No.: _____
3. Accident Location:
 1. County _____
 2. Sub-County _____
 3. Location _____
 4. GPS Coordinates _____
 5. Village _____
4. Time and Date of the Accident: _____
5. Date Reported to Licensee: _____
6. Date Reported to the Authority: _____
7. Cause of Accident: _____
8. Accident Impact: _____
9. Police Reference and Reported Date(*as applicable*): _____
10. Reported By:
 - a. Name: _____
 - b. Postal address: _____
 - c. Email Address : _____
 - d. Telephone: _____
11. Supporting Documents: (*As applicable including scene photos*)