

## **PETROLEUM ACT (CAP. 308)**

**IN EXERCISE of the powers conferred by sections 108, 126 and 127 of the Petroleum Act (Cap. 308) the Cabinet Secretary for Energy and Petroleum makes the following Regulations-**

### **DRAFT PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS, 2025**

<b>PART I - PRELIMINARIES</b>	
<b>Citation</b>	<b>1.</b> These Regulations may be cited as Petroleum (Upstream Petroleum Access to Land) Regulations, 2025.
<b>Interpretation</b>	<b>2.</b> In these Regulations, unless the context otherwise requires-  “Act” means the Petroleum Act (Cap. 308);  “Authority” means the Energy and Petroleum Regulatory Authority established under Section 9 of the Energy Act (Cap. 314).  “best petroleum industry practice” has the meaning assigned to it under section 2 of the Act;  “Cabinet Secretary” means the Cabinet Secretary for the time being responsible for petroleum;  “Commission” means the National Land Commission established by Article 67 of the Constitution;  “Committee” means an ad-hoc Access to Land Acquisition and Resettlement Committee established under sub-regulation 15(1);  “community” has the meaning assigned to it under section 2 of the Community Land Act, No. 27 of 2016;  “Community land” has the meaning assigned to it under

	<p>Article 63 of the Constitution;</p> <p>“compensation” means payment in cash or in kind to a person in recognition of loss, suffering or injury;</p> <p>"Compulsory acquisition" has the same meaning as assigned to it under section 2 of the Land Act, No. 6 of 2012;</p> <p>“day(s)” means calendar days;</p> <p>“development” means the planning, placement, construction and installation of onshore facilities needed for production of petroleum;</p> <p>“economic displacement” means loss of income streams or means of livelihood caused by land acquisition or obstructed access to land, resulting from the construction or operation of a project or its associated facilities;</p> <p>“Energy and Petroleum Tribunal” means the Tribunal established under Section 25 of the Energy Act, No. 1 of 2019;</p> <p>“Field Development Plan” means the development plan described under section 30(2) of the Act and shall include a joint development plan as described under section 36(4) of the Act</p> <p>“framework” means a Access to Land, Acquisition and Resettlement Framework under regulation 11;</p> <p>“Access to Land” means the temporary occupation or acquisition of rights other than full property rights such as rights of way or certain usufructuary rights;</p> <p>“land acquisition” means land acquisition under section 7 of the Land Act, No. 6 of 2012</p> <p>“land restoration” means the process of restoring an area of land to as near as it may be to the state in which it was at the time of access to land or land acquisition by the project proponent;</p>
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	<p>“livelihood” means the full range of means comprising of capabilities, assets (including both material and social resources) and activities required for individuals, families or communities to generate an income to secure the necessities of life;</p> <p>“livelihood restoration” means programs or measures designed specifically to maintain or improve the assets, levels of economic productivity or standards of living to project-affected person whose livelihoods are adversely affected by the project;</p> <p>“physical displacement” means the loss of primary shelter resulting from the acquisition of land for a project that requires the project-affected persons to move to another location;</p> <p>“private land” has the meaning assigned to it under Article 64 of the Constitution;</p> <p>“project affected persons” means individuals who are adversely affected either by physical, economic, cultural and/or spiritual displacement by the access to land or acquisition of land for a project;</p> <p>“project proponent” means a contractor operating onshore, a holder of nonexclusive exploration permit operating onshore, a holder of an upstream petroleum operational permit operating onshore, or any other person conducting or intending to conduct onshore upstream petroleum operations;</p> <p>"public land" has the meaning assigned to it under Article 62 (1) of the Constitution;</p> <p>“upstream petroleum operations” means all or any of the onshore operations related to the exploration, development, production, separation and treatment, storage and transportation of crude oil or natural gas, decommissioning, provided that such upstream petroleum operations are within a contract area as defined in a petroleum agreement.</p>
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<p><b>Application</b></p>	<p><b>3.</b> (1) These Regulations shall apply to:</p> <ul style="list-style-type: none"> <li>a) access to land for onshore upstream petroleum operations;</li> <li>b) acquisition of an interest in land for onshore upstream petroleum operations; and</li> <li>c) resettlement and livelihood restoration related to onshore upstream petroleum operations.</li> </ul> <p>(2) These Regulations shall not apply to:</p> <ul style="list-style-type: none"> <li>(a) access to land or acquisition of an interest in land for upstream petroleum operations being undertaken offshore; and</li> <li>(b) midstream and downstream petroleum operations.</li> </ul>
<p><b>Objectives</b></p>	<p><b>4.</b> The objectives of these Regulations are to provide for the following;</p> <ul style="list-style-type: none"> <li>a) an approach for access to land for onshore upstream petroleum operations;</li> <li>b) promotion of onshore upstream petroleum projects while promoting and protecting the rights and freedoms of project affected persons, project proponents and owners or occupiers of land;</li> <li>c) preparation, submission, review, approval and implementation of Access to Land, Acquisition and Resettlement Frameworks;</li> <li>d) establishment of a committee and its functions in Access to Land, acquisition and resettlement in onshore upstream petroleum operations;</li> </ul>

	<p>e) procedures for land restoration and reversion upon completion of onshore upstream petroleum operations; and</p> <p>f) any other related matters.</p>
<b>Guiding principles</b>	<p>5. In these Regulations, Access to Land, acquisition and resettlement shall be guided by the principles of land policy under Article 60(1) of the Constitution, relevant guidelines developed by the Cabinet Secretary and best petroleum industry practices.</p>
<b>PART II - ACCESS TO LAND</b>	
<b>Access to Land</b>	<p>6. (1) A project proponent who intends to enter upon any land to carry out a survey of the land to undertake exploration activities relating to petroleum operations shall seek the prior consent of the owner or occupier of the land in the prescribed land consent agreement form in the First Schedule.</p> <p>(2) The project proponent shall submit the signed land consent agreement form to the Authority upon payment of the prescribed fee in the Second Schedule.</p> <p>(3) Where land being accessed is community land, access and acquisition shall be in accordance with the Community Land Act, 2016.</p> <p>(4) Where the owner or occupier of the land, for purposes of sub-regulation (1), cannot be traced, the project proponent shall give thirty (30) days' notice requiring the landowner or occupier to present themselves to the project proponent by;</p> <p>a) publishing a notice in the <i>Gazette</i> and in at least two newspapers of nationwide circulation;</p> <p>b) making an announcement of the notice in both official and local languages in radio station(s)</p>

	<p>widely broadcasting in the area within the subject land; and</p> <p>c) the publications and announcements referred to in (a) and (b) shall be published and announced, as the case may be, at least three (3) times as follows;</p> <ul style="list-style-type: none"> <li>i. the first publication and announcement shall be on the first day of the notice period;</li> <li>ii. the second publication and announcement shall be fifteen (15) days after the first publication and announcement; and</li> <li>iii. the third publication and announcement shall be at least seven (7) days before the end of the notice period.</li> </ul> <p>(5) The notice referred to in sub-regulation (4) above shall be in the form prescribed under Form A in the Third Schedule.</p> <p>(6) Where the owner or occupier of the land cannot be found after the expiry of the notice under sub-regulation (4) or any such extended period, then, the project proponent shall seek consent from the Commission in Form B prescribed in the Third Schedule.</p> <p>(7) Where the owner or occupier declines to grant consent to access land to the project proponent for purposes of sub-regulation (1) then, the project proponent shall seek consent from the Commission in Form B prescribed in the Third Schedule.</p> <p>(8) The Commission may authorize in writing, any project proponent to enter upon any land upon application under sub-regulations (6) or (7).</p> <p>(9) For purposes of sub-regulation (8) compensation for damage resulting from entry authorized by the Commission, shall be determined by the Commission in accordance with the relevant written laws.</p>
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	<p>(10) Any person who contravenes the provisions of sub-regulations (1) and (4) commits an offence and shall on conviction be liable to the penalties prescribed in the Seventh Schedule.</p>
<p><b>Development of Petroleum</b></p>	<p>7. (1) No person shall plan, place, construct or install onshore petroleum facilities on any land without agreeing in writing with the landowner or occupier on the terms and conditions of access to enable such development or without any other lawful authorisation.</p> <p>(2) (i) A project proponent who has agreed in writing with the landowner or occupier under sub-regulation (1), shall within 14 days of entering into such agreement, deposit a certified copy of the agreement thereof to the Authority.</p> <p>(ii) Provided that if there is any amendment or termination to the said agreement, such amendment or termination shall be submitted or notified, as the case may be, in writing to the Authority within 7 days.</p> <p>(3) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall on conviction be liable to the penalties prescribed in the Seventh Schedule.</p>
<p><b>Compensation</b></p>	<p>8. (1) Whenever an owner or occupier of land or any person suffers denial, loss, damage or injury, caused by access to land authorized under sub-regulation 6(1), such owner or occupier of land or such person shall be entitled to prompt payment in full, of just compensation in accordance with this regulation and relevant written laws.</p> <p>Provided that this regulation shall not apply to compensation under sub-regulation 6(9) and regulation 9.</p>

	<p>(2) Whenever in the course of upstream petroleum operations, the project proponent;</p> <ul style="list-style-type: none"> <li>a. denies the owner or occupier of the land the rights to quiet enjoyment;</li> <li>b. causes loss of use of or damage to land, crops, trees, buildings, stock or works therein or thereon;</li> <li>c. causes loss of life or personal injury to the owner or occupier of any land or to his/her agents, workmen or servants; or</li> <li>d. causes damage by any irregularity, trespass, or other wrongful proceedings</li> </ul> <p>the project proponent shall be liable to prompt payment in full, of just compensation to an owner or occupier of land or any person, as the case may be.</p> <p>(3) While assessing compensation the following factors shall be considered:</p> <ul style="list-style-type: none"> <li>a. damage sustained or likely to be sustained to the owner's or occupier's property whether movable or immovable, in any other manner on his or her actual earnings;</li> <li>b. reasonable expenses incidental to the relocation of the project affected persons who will be compelled to change residence or place of business; and</li> <li>c. any other relevant factor.</li> </ul> <p>(4) If the project proponent fails to pay or make compensation when demanded, or if an owner or occupier or any person is dissatisfied with the amount or nature of any compensation offered to him or her thereunder, the owner or occupier or any person may, refer the matter to a court of competent jurisdiction.</p> <p>(5) If any difficulty or question arises as to the entitlement to compensation payable under the Act and regulations, the determination shall be made in accordance with the provisions of the relevant written</p>
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	laws by a court of competent jurisdiction.
<b>Compulsory acquisition of land</b>	<p>9. (1) Where a project proponent fails to agree in writing with the landowner or occupier as provided for under regulation 7, the project proponent may request the Cabinet Secretary to make an application for compulsory acquisition as provided for in section 116 of the Act and the relevant written laws.</p> <p>(2) If the Cabinet Secretary is satisfied that the project proponent;</p> <ul style="list-style-type: none"> <li>a) reasonably requires land for purposes of constructing, modifying, or operating any upstream petroleum infrastructure or for incidental purposes; and</li> <li>b) has failed to acquire the land by agreement after making reasonable attempts to do so,</li> </ul> <p>the Cabinet Secretary may apply to the Commission to acquire it compulsorily.</p>
	10.
<b>PART III - ACCESS TO LAND, ACQUISITION AND RESETTLEMENT FRAMEWORK</b>	
<b>Access to Land and Acquisition and Resettlement Framework</b>	<p>11. A project proponent shall prepare in accordance with this Part, a Access to Land and Acquisition, and Resettlement Framework or any variation thereof to the Authority:</p> <ul style="list-style-type: none"> <li>a) upon approval or variation of the Environmental and Social Impact Assessment for the project, and prior to commencing any upstream petroleum operations which have a significant impact on project affected persons including the displacement of project affected persons; or</li> <li>b) during the submission of a field development</li> </ul>

	<p>plan or a joint field development plan by a contractor to the Authority.</p>
<p><b>Preparation of the Framework</b></p>	<p><b>12.</b> (1) The project proponent shall engage a competent team of experts led by a lead expert to develop the terms of reference for the preparation of the framework and submit the terms of reference to the Authority prior to commencement of preparation of the framework.</p> <p>Provided that any person involved in the development of the terms of reference shall not be involved in the preparation of the framework.</p> <p>(2) The Authority shall review the terms of reference and composition of the team of experts under sub regulation (1) within twenty-one (21) days upon submission by the project proponent.</p> <p><b>13.</b> (1) Subject to sub-regulation (2), the framework shall be prepared in accordance with all relevant written laws and best petroleum industry practices.</p> <p>(2) The framework shall include but shall not be limited to the following:</p> <ul style="list-style-type: none"> <li>a) policy, legal framework, and applicable standards;</li> <li>b) procedure of Access to Land and acquisition;</li> <li>c) scoping and risk assessment;</li> <li>d) planning for the framework process;</li> <li>e) baseline data collection;</li> <li>f) livelihood restoration;</li> <li>g) stakeholder engagement;</li> <li>h) grievance management and conflict resolution;</li> <li>i) implementation of the framework;</li> <li>j) monitoring and evaluation;</li> <li>k) land restoration and reversion;</li> <li>l) framework data management;</li> <li>m) roles and responsibilities of all the relevant agencies; and</li> <li>n) composition of the team of experts who developed the framework and their</li> </ul>

	qualifications.
<b>Public participation during preparation of the framework</b>	<p><b>14.</b> (1) During the preparation of the framework the project proponent shall seek and record the views of persons who may be affected by the project by:</p> <ul style="list-style-type: none"> <li>a) holding at least two (2) public meetings or such number as determined in the approved terms of reference under sub-regulation 12(2), with the affected parties and communities including the women, youth, persons with disability and other vulnerable groups in a venue convenient and accessible, and in a language understandable by the various stakeholders, to explain the project and its effects and to receive their oral or written comments;</li> <li>b) ensuring that appropriate notices indicating the dates, times and venues of the meetings, are publicized to the affected communities and the other concerned parties at least seven (7) days prior to the meetings referred to in paragraph (a) above;</li> <li>c) placing posters in strategic public places and in the vicinity of the site of the proposed project, to inform the affected parties and communities of the meetings, so as to reach persons described in paragraph (a) above; and,</li> <li>d) annexing the reports, minutes, proceedings, notice, list of attendance, photographic and audio evidence of the public meetings.</li> </ul> <p>(2) The project proponent shall perform <b>public disclosure</b> in accordance with these Regulations.</p>
<b>Submission of the framework</b>	<p><b>15.</b> (1) A project proponent shall submit at least ten (10) printed copies and an electronic copy of the framework, or in the manner prescribed by the</p>

	<p>Authority and accompanied by a duly completed submission form set out in the Fourth Schedule upon payment of prescribed fees in the Second Schedule.</p> <p>(2) Upon submission of the framework to the Authority under sub-regulation (1), the Authority shall within seven (7) days conduct a preliminary review of the documentation received from the project proponent to determine the material completeness of the framework.</p> <p>(3) The Authority may request for further information from the project proponent prior to notifying the Cabinet Secretary of the submission of the framework.</p>
<b>Access to Land, Acquisition and Resettlement Committee</b>	<p><b>16.</b> (1) There shall be established an ad-hoc Access to Land, Acquisition and Resettlement Committee for each submitted framework which shall perform the functions in regulation 17.</p> <p>(2) The Cabinet Secretary shall within twenty-one (21) days of being notified by the Authority of the submission of a complete framework by a project proponent appoint the Committee which shall be comprised of competent representatives from at least the following institutions:</p> <ul style="list-style-type: none"> <li>a) Ministry responsible for petroleum who shall chair the committee;</li> <li>b) Ministry responsible for land matters;</li> <li>c) Authority who shall be the Secretary;</li> <li>d) State department responsible for social protection;</li> <li>e) National Environment Management Authority;</li> <li>f) National Land Commission; and</li> <li>g) relevant/affected county government(s).</li> </ul> <p>(3) The Committee may co-opt any other person as it may deem necessary.</p>
<b>Functions of the Committee</b>	<p><b>17.</b> The Committee shall carry out the following functions:</p> <ul style="list-style-type: none"> <li>a) review the framework and advise the Cabinet</li> </ul>

	<p>Secretary thereto;</p> <ul style="list-style-type: none"> <li>b) oversee the management of the framework;</li> <li>c) coordinate with other relevant entities that deal with Access to Land, acquisition, and resettlement; and</li> <li>d) such other functions as may be assigned in writing by the Cabinet Secretary.</li> </ul>
<b>Review</b>	<p>18. The Committee shall, within one hundred and twenty (120) days upon its appointment, review the framework in accordance with these Regulations, best petroleum industry practice and relevant written laws, and advise the Cabinet Secretary on the determination of the framework.</p>
<b>Notice to the public</b>	<p>19. (1) The Committee shall, within ten (10) days of being appointed, prepare and issue a notice:</p> <ul style="list-style-type: none"> <li>a) inviting the public to make written comments on the framework within thirty (30) days; and</li> <li>b) inviting the public for a public hearing to be conducted no later than forty-five (45) days after the expiry of the notice period in paragraph (a).</li> </ul> <p>(2) The Committee shall, at the expense of the project proponent:</p> <ul style="list-style-type: none"> <li>a) publish the notice on the proposed project in the <i>Gazette</i> and in at least two (2) newspapers of nationwide circulation;</li> <li>b) make an announcement of the notice in both official and local languages in radio station(s) widely broadcasting in the area or the proposed area of the project; and</li> <li>c) the publications and announcements referred to in (a) and (b) shall be published and announced, as the case may be, at least three (3) times where the first publication</li> </ul>

	<p>and announcement shall be on the first day of the notice period, the second publication and announcement shall be fifteen (15) days after the first publication and announcement, and the third publication and announcement shall be at least seven (7) days before the date of the public hearing.</p> <p>(3) If no written or oral comments are received as stipulated under sub-regulations (1) and (2) above or at the public hearing or such extended period as the Committee may specify, the Committee shall proceed to advise the Cabinet Secretary on the determination of the Framework.</p> <p>(4) The notice under sub-regulation (1) shall be in the form prescribed in the Fifth Schedule.</p> <p>(5) The Committee may on its own motion or on application by any person extend the notice period stipulated in sub-regulation (1) so as to afford reasonable opportunity for public participation.</p>
<b>Public hearing</b>	<p><b>20.</b> (1) The Committee shall in consultation with the relevant National Government Administration Officers, hold a public hearing as stipulated in this regulation.</p> <p>(2) The public hearing shall be conducted at a venue convenient and accessible to people who are likely to be affected by the framework.</p> <p>(3) All public hearings shall be conducted in an informal and non-adversarial forum to create a conducive environment for participation by all stakeholders including youth, women, persons with disabilities and other vulnerable groups to permit a fair and full examination of all information presented.</p> <p>(4) The Committee in consultation with National Government Administration Officers shall determine the rules of procedure at the public hearing.</p>

	<p>(5) The project proponent shall be given an opportunity to make a presentation and to respond to specific issues raised at the public hearing.</p> <p>(6) Upon the conclusion of the public hearing, the Committee in consultation with National Government Administration Officers shall compile a report of the views presented at the public hearing.</p>
<b>Power of the Committee to request for more information</b>	<p><b>21.</b> (1) Notwithstanding sub-regulations 15(3) and 23(3), the Committee may, during the review of the framework or any variation thereof, require any person to provide more information or documents.</p> <p>(2) The information or documents referred to under sub-regulation (1) shall be provided by such person within seven (7) days of the request.</p> <p>(3) For purposes of this regulation, the period of time for review of the framework or of a variation under regulation 18 and sub-regulation 23(4) respectively, shall stop running from the time the request under sub-regulation (2) is made until the Committee has received the information or documents and is satisfied as to their completeness.</p>
<b>Determination</b>	<p><b>22.</b> (1) Upon receipt of the recommendations from the Committee under regulation 18, the Cabinet Secretary shall within fourteen (14) days:</p> <ul style="list-style-type: none"> <li>(a) approve the framework;</li> <li>(b) approve the framework with conditions; or</li> <li>(c) reject the framework with reasons.</li> </ul> <p>(2) The determination in sub-regulation (1) above shall be communicated to the project proponent in writing.</p>
<b>Variation of the Framework</b>	<p><b>23.</b> (1) A project proponent may apply to the Authority to vary an approved framework in the form prescribed in the Sixth Schedule and shall submit ten (10) printed copies and an electronic copy of the proposed variation, reasons thereof, impact and any other relevant information, upon payment of a prescribed fee in the Second Schedule.</p>

	<p>(2) The Authority shall within seven (7) days of submission of the variation under sub regulation (1) conduct a preliminary review of the documentation received from the project proponent to determine the material completeness of the variation.</p> <p>(3) The Authority may request for further information from the project proponent prior to forwarding the proposed variation to the Committee for review.</p> <p>(4) The Committee shall within thirty (30) days of notification by the Authority under sub regulation (3) make a determination as to whether or not the proposed variation is substantive.</p> <p>(5) Where the Committee determines that the proposed variation is substantive, the Committee shall make recommendations to the Cabinet Secretary as to the appropriate review procedure to be applied in reviewing of the proposed variation.</p> <p>(6) Where the Committee determines that the proposed variation is minor, the Committee shall finalize the review and advise the Cabinet Secretary accordingly.</p> <p>(7) Upon receipt of the recommendations from the Committee, the Cabinet Secretary shall within fourteen (14) days:</p> <ol style="list-style-type: none"> <li>make a determination on the applicable review procedure under sub-regulation (5);</li> <li>approve the variation with conditions; or</li> <li>reject the variation with reasons.</li> </ol> <p>(8) The determination in sub-regulation (7) above shall be communicated to the project proponent in writing.</p>
<b>PART IV - LAND RESTORATION AND REVERSION</b>	
<b>Land Restoration and Reversion</b>	<p><b>24.</b> (1) The project proponent upon cessation or completion of upstream petroleum operations shall, unless otherwise approved by the Authority,</p>



	<p>undertake decommissioning and restoration for any Access to Landed and acquired temporarily, permanently, compulsorily or negotiated in accordance with relevant written laws.</p> <p>(2) Where the project proponent fails to utilize compulsorily acquired land for the intended purpose, breaches any term or condition of the lease or upon completion of the upstream petroleum operations on compulsorily acquired land, the land shall revert back to the National Government.</p> <p>(3) Where the National Government intends to dispose of compulsorily acquired land or the compulsorily acquired land is not utilized for the intended purpose, the original owner or occupier shall be given the first right of refusal to acquire the land.</p>
<b>PART V - MONITORING AND EVALUATION</b>	
<b>Monitoring</b>	<p><b>25.</b> (1) The project proponent shall in consultation with the Committee monitor and evaluate the implementation of the framework.</p> <p>(2) The Committee shall oversee monitoring and evaluation of the framework.</p> <p>(3) The project proponent shall submit a detailed report on monitoring and evaluation to the Authority at least thirty (30) days before the end of every calendar quarter, and any other period that may be prescribed.</p> <p>(4) The project proponent shall submit a report on monitoring and evaluation and recommendations, if any, to the Cabinet Secretary every six (6) months, and any other period that may be prescribed.</p>
<b>Completion audit</b>	<p><b>26.</b> (1) The Cabinet Secretary shall engage an independent expert to undertake a completion audit of the Access to Land and acquisition process.</p>

	<p>(2) The completion audit shall be undertaken to ensure that the Access to Land and acquisition process is in compliance with applicable standards, planning objectives, commitments of the framework and written laws.</p> <p>(3) The audit shall be undertaken one (1) year after physical and economic displacement has taken place, at least five (5) years after the start of implementation of livelihood restoration measures and at any other time as may become necessary.</p> <p>(4) Upon conclusion of the audit, the expert shall submit a report of his or her findings and recommendations to the Cabinet Secretary.</p>
<b>PART VI - MISCELLANEOUS</b>	
<b>Data Management</b>	<p><b>27.</b> (1) Any data or information with respect to which these regulations apply, shall be managed in accordance with all written laws.</p> <p>(2) Subject to sub-regulation (1) above, the project proponent shall have an obligation to provide access to data and information to the Cabinet Secretary.</p> <p>(3) The Committee's report documenting the findings shall be prepared and publicly disclosed to the project affected persons and other relevant stakeholders.</p>
<b>Complaints</b>	<p><b>28.</b> (1) Where a person is dissatisfied with the resolution of a complaint under the grievance management and conflict resolution process under an approved framework, such person may, in writing, make a complaint to the Committee through the Authority with respect to Access to Land acquisition and resettlement process.</p> <p>(2) Where a person is dissatisfied with the resolution of a complaint by the Committee, such person may, in writing, request the Cabinet Secretary for a review.</p>

	<p>(3) Where a person is dissatisfied with the decision of the Cabinet Secretary, such person may within thirty (30) days appeal to the Tribunal.</p> <p>(4) Where a complaint is made under sub-regulations (1) and (2), such complaints shall in each case be resolved within sixty (60) days.</p>
<b>Appeals</b>	<p><b>29.</b> A person aggrieved by a decision or order of the Tribunal, may within thirty (30) days of such a decision or order, appeal against such decision or order to the High Court or a court of equal status.</p>
<b>Offences and Penalties</b>	<p><b>30.</b> (1) A person who commits an offence deemed to be an economic crime under the Act, shall upon conviction be liable to penalties described under section 121 of the Act.</p> <p>(2) A person who wilfully trespasses, obstructs, encroaches on, squats, or in any way interferes with land or access to land used or intended to be used for upstream petroleum operations shall upon conviction be liable to the penalties prescribed in the Seventh Schedule.</p> <p>(3) 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 124 of the Act.</p> <p>(4) A person who makes a false statement or a statement which he has reason to believe is untrue, to the Cabinet Secretary or to the Authority, shall upon conviction be liable to penalties prescribed under section 48 of the Act.</p>



## **FIRST SCHEDULE**

### **Petroleum (Upstream Petroleum Access to Land) Regulations, 2025**

#### **Regulation 6(1)**

#### **The Petroleum Act, No. 2 of 2019**

1. A project proponent and owner/occupier of land shall enter into and submit to the Authority a duly completed and signed Access to Land Consent Agreement Form as provided below:

Sch. 1	<p><b>Petroleum (Upstream Petroleum Access to Land) Regulations, 2025</b></p> <p><b>Regulation 6(1)</b></p> <p><b>The Petroleum Act, No. 2 of 2019</b></p> <p><b>ACCESS TO LAND CONSENT AGREEMENT FORM</b></p>
	<p>This Form shall be submitted in complete original copies together with supporting documents; one(1) to the Authority and one (1) to the Cabinet Secretary.</p>
<p>1. Parties, beneficiaries and PSC/permit</p>	<p>Project proponent:</p> <p>Name:_____</p> <p>Company registration number:_____</p> <p>Nationality:_____</p> <p>Address:_____</p> <p>Production Sharing Contract (PSC): {provide details of parties; execution date; Block; exploration period; start date of exploration period; end date of exploration period}</p> <p>Non-exclusive exploration permit:{ provide details of</p>

	<p>name permit holder(s); permit number/reference; date of issue; Block, date of expiry; permit area}</p> <p>Land owner and/or occupier:</p> <p>Name:_____</p> <p>National identity card number(s), company registration number, etc.: _____</p> <p>Address:_____</p> <p>Indicate whether: registered owner; registered lessee registered trustee (individual or body corporate); County Government (in case of unregistered community land), Registered Community Land Management Committee;</p> <p>Names of occupiers and/or beneficiaries:_____</p>
2.Particulars of land	<p>Land parcel/title registration number: _____</p> <p>Description of precise physical location (County, area, locality, etc.): _____</p> <p>Georeferencing of precise physical location: _____</p> <p>Acreage: _____</p> <p>Type of land tenure:_____</p> <p>End period of land tenure (if any):_____</p> <p>Type of land use:_____</p> <p>Description of developments (bare, buildings, crops, forest, etc.):_____</p>
3. Description of upstream petroleum	<p>List all upstream petroleum operations to be carried out on the land:</p>

operations	
4. Project proponent's covenants	<p>4.1 The project proponent confirms that it holds the PSC or non-exclusive exploration permit described in clause 1 and thereby has all lawful authority to conduct the upstream petroleum operations described in clause 3.</p> <p>4.2 The project proponent shall conduct the upstream petroleum operations described in clause 3 on the Owner's land in accordance with relevant written laws and as agreed by the Parties herein.</p> <p>4.3 The project proponent undertakes to compensate the Owner in accordance with these Regulations and all relevant written laws.</p> <p>4.4 In consideration thereof, the project proponent shall pay rent as agreed by the Parties.</p>
5. Owner's/occupier's covenants	<p>5.1 The Owner confirms that it is the registered owner; registered lessee; lawful occupier; lawful beneficiary as described in clause 1.</p> <p>5.2. The Owner/occupier confirms that it possesses all lawful authority, and where necessary has sought and has been granted all such lawful authority, to grant and hereby so grants access to the project proponent to undertake the upstream petroleum operations described in clause 3 on terms and conditions agreed by the Parties.</p> <p>5.3 The Owner/occupier confirms that it has at all times acted and continues to act of its free will in negotiating and signing this Form and all relevant agreements (if any) with the project proponent.</p>
6. Term and renewal	<p>The term of the access to land shall be from [date] to [date].</p> <p>The Parties have [agreed] [not agreed] to make provision for renewal/extension of the term for a</p>

	further period of [defined] [undefined] term.
7. Dispute resolution	<p>Both Parties agree that they shall exhaust the agreed alternative dispute resolution mechanisms in the event of a dispute/conflict.</p> <p>The Parties shall within seven (7) days notify the Authority and Cabinet Secretary of any dispute/conflict, the progress and resolution thereof. Any such notification to the Authority or Cabinet Secretary shall not entitle either Party to any action and/or remedy by the Authority or Cabinet Secretary with respect to the dispute/conflict.</p>
	<p>Dated _____ at _____</p> <p>Project proponent:</p> <p>I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to cancellation, suspension or otherwise of the consent.</p> <p>Name of authorized representative:_____</p> <p>Signature: _____</p> <p>Official endorsement (if any): _____</p> <p>Witnessed by_____</p> <p>Owner/occupier:</p> <p>I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence and may lead to cancellation, suspension or otherwise of the consent.</p>



	Name of Owner or authorized representative:_____ Signature: _____ Official endorsement (if any): _____ Witnessed by_____	
List of copies of supporting documents submitted by each party as applicable	Including but not limited to: <ul style="list-style-type: none"> <li>○ Certified copies of Identification documents for the individuals and Directors</li> <li>○ certified copies of duly signed supplemental/definitive Access to Land consent agreement between the Parties</li> <li>○ certified copies of official land search</li> <li>○ certified copies of company search or an equivalent for foreign companies</li> <li>○ certified copies of title document</li> <li>○ incorporation certificate</li> <li>○ tax compliance certificate</li> <li>○ KRA PIN</li> <li>○ Any other relevant documents.</li> </ul>	
FOR OFFICIAL USE ONLY		
Date of complete submission		
List of submitted attachments		
Checked by/ date		
Verified by/ date		

2. Where a Project proponent and owner/occupier of land enter into a definitive Access to Land agreement subject to paragraph 3, the Access to Land Consent Agreement Form in paragraph 1 above shall prevail over such other agreement in the event of a conflict or inconsistency.
3. Any definitive Access to Land agreement entered into between a Project proponent and owner/occupier of land shall contain at a minimum the following provisions:
  - i. Name of the parties
  - ii. Owner of the property
  - iii. Family members of the registered landowner
  - iv. Access to Land fee
  - v. The title/parcel number
  - vi. Effective date
  - vii. Project proponent's covenants
  - viii. Landowner's covenants
  - ix. Landowner's warranties and representations
  - x. Alienation
  - xi. Movable and Project proponent's improvements
  - xii. Default and termination
  - xiii. Renewal, if desired
  - xiv. Ancillary rights
  - xv. Notices
  - xvi. Governing law
  - xvii. Dispute resolution
  - xviii. Legal intention to be bound;
  - xix. Date of execution; and
  - xx. Any other relevant clauses.



**SECOND SCHEDULE**  
**Petroleum (Upstream Petroleum Access to Land) Regulations, 2025**

**Regulations 6(2), 15(1) and 23(1)**  
**APPLICABLE FEES**

<b>Regulation no.</b>	<b>Item</b>	<b>Fees (USD)</b>
6 (2)	Submission of Access to Land Consent Agreement Form	Nil
15(1)	Framework Submission	50,000
23(1)	Framework Variation	10,000

Form A

**THIRD SCHEDULE  
REPUBLIC OF KENYA**

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**THE PETROLEUM ACT, Act No. 2 of 2019**

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**PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS,  
2025**

**Regulation 6(5)**

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**NOTICE TO THE PUBLIC**

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**Notice to the Public for Access to Land to carry out a survey/inspection of land to  
undertake exploration activities relating to petroleum operations**

Pursuant to Regulation 6(5) of the Petroleum (Upstream Petroleum Access to Land) Regulations, 2025....., the ..... (Project proponent) HEREBY GIVES NOTICE of its intention to enter upon the land described below for purposes of carrying out a survey to undertake exploration activities relating to petroleum operations.

**Description of the Land:**

LAND REGISTRATION NO: .....

AREA: .....

COUNTY:.....

GPS CO-ORDINATES: .....

**Details of the Registered Owner**

NAME OF REGISTERED OWNER.....

LAST KNOWN ADDRESS.....

**Details of the Project proponent**

NAME OF PROJECT PROPONENT:

.....

CONTACT DETAILS:.....

ADDRESS: .....

TAKE NOTICE that if no objection is received by the Project proponent in writing, within the next thirty (30) DAYS of publication of this notice, the Project proponent may proceed to enter the subject land in accordance with the Act for purposes of undertaking the Survey / inspection.

**Dated**.....

**Director  
PROJECT PROPONENT**

**THIRD SCHEDULE**

**REPUBLIC OF KENYA**

**THE PETROLEUM ACT, Act No. of 2019**

**PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS,  
2025**

**APPLICATION FOR CONSENT OF NATIONAL LAND COMMISSION TO ACCESS  
LAND TO CARRY OUT A SURVEY/INSPECTION TO UNDERTAKE EXPLORATION  
ACTIVITIES RELATING TO PETROLEUM OPERATIONS**

*(Pursuant to Regulation 6(6) and 6(7))*

To be submitted in TRIPLICATE in respect of each transaction and sent to or left at the appropriate office of the National Lands Commission

TO: THE NATIONAL LAND COMMISSION  
P. O. Box  
Nairobi

Application No.....

I/ We HEREBY apply to the NATIONAL LAND COMMISSION for its consent to enter upon land to carry out a survey/inspection of the land to undertake exploration activities relating to petroleum operations for the parcel of land described below, and give the following information:

1. (a) Present registered holder of interest (if Known) (full name in BLOCK LETTERS):

.....

(b) Nationality:.....

(c) Address:.....

2. (a) Project proponent / Applicant. (full name in BLOCK LETTERS)

.....

(b) If a limited liability company, names of directors, authorised and issued share capital and principal shareholders;

(c) Incorporation Certificate No.....

(d) Address.....

(e) PIN No.....

3. Nature of Consent sought (e.g. consent to enter upon land to carry out a survey of the land to undertake exploration activities relating to petroleum operations)

.....

...

.....

...

4. Term/Time Required (i.e approximate the length of time for which the survey is to take)

.....

5. Description of Land-

L.R. or Parcel No.....

Area: .....

Locality: .....

County:.....

6. (a) Estimated value of the land: .....KSh

(Any other information affecting the amount of the consideration, particularly regarding the description and area of crops with estimated yields and value thereof)

(b) Full description and approximate value of improvements on land

.....

(c) Any other special considerations

.....

.

7. A Notice to the Public on Access to Land, has been issued pursuant to Regulation 6(5) and the thirty (30) days period have lapsed and no objection has been received by the Project proponent :

a) Date of Notice :.....

b) Mode of Publication: .....

c) Date of Publication: .....

d) Coverage of the Publication (County, national, international):

.....



I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to cancellation, suspension or otherwise of the authorisation.

Signature of the Applicant.....

Name;.....

Designation: .....

Name                      of                      the                      Project                      proponent  
/ Applicant:.....

Witnessed by:.....

Date.....

Attachments:

1. Certificate of Incorporation
2. Copy of Company Search Certificate (CR12)
3. Copy of KRA PIN Certificate
4. Copy of KRA Tax Compliance Certificate
5. Copy of Notice/ Newspaper Advertisement
6. Copy of Land Search
7. Certified copies of Identification Documents of the Directors of the Applicant

#### FOURTH SCHEDULE

#### PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS, 2025

#### Regulation 15(1)

<b>PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS, 2025</b>	
<b>ACCESS TO LAND, ACQUISITION AND RESETTLEMENT FRAMEWORK (LAARF) SUBMISSION FORM</b>	
Date:	
To:	<b>The Director General Energy and Petroleum Regulatory Authority</b>
<b>PART A: DETAILS OF PROJECT PROPONENT</b>	
<p>A1 Name of Project proponent.....</p> <p>A2 Address..... .....</p> <p>A3. Production Sharing Contract (PSC): parties; execution date; Block; exploration period; start date of exploration period; end date of exploration period.....</p>	

A4. Non-exclusive exploration permit: name of permit holder(s); permit number/reference; date of issue; Block, date of expiry; permit area

A5 Name and designation of the contact

person.....

A6 Telephone

Number:.....

A7 Email:

### **PART B: Project Description**

Description of the proposed

project.....  
.....  
.....

### **PART C: The LAARF**

C1 Title of the proposed

LAARF:.....

C2 Location of the proposed LAARF (L.R. No., area, County and GPS Coordinates).....

C3 Description of the LAARF activities .....

C4. Objectives and scope of the

LAARF.....

C5 EIA License

No:.....

#### **PART D: DECLARATION BY THE PROJECT PROPONENT**

I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to prosecution and/ cancellation, suspension or otherwise of the Framework.

Name of authorized representative:\_\_\_\_\_

Signature: \_\_\_\_\_

Official endorsement (if any): .....

Witnessed by.....

#### **PART E: FOR OFFICIAL USE**

Received by.....Date.....

Checked

by.....Date.....

Verified

by.....Date.....

Vetting comments

.....  
.....

...

Officer.....Sign.....Date

.....

PART F: FOR OFFICIAL USE
Date of submission to the LAAR Committee.....
Date of submission of recommendations to the Cabinet
Secretary.....
.....

Important note;

- 1.0 Submit Ten (10) hard copies of the framework
- 2.0 Submit an electronic copy of the framework sent to info@epra.go.ke
- 3.0 Pay the fees prescribed in Schedule 2.

## FIFTH SCHEDULE

### Regulation 19

#### Petroleum (Upstream Petroleum Access to Land) Regulations, 2025

#### Notice to the Public to Submit Comments and Invitation for Public Hearing on Access to Land, Acquisition and Resettlement Framework for *[Title of the proposed project]* (LAARF)

Pursuant to Regulation 19 of the Petroleum (Upstream Petroleum Access to Land) Regulations, 2025....., the Energy and Petroleum Regulatory Authority has received LAARF Report for the implementation of the proposed LAARF [title of the Framework].....

.....(brief description of the Framework).....at  
 ..... • ..... • ..... (locality) of County. The said LAARF anticipates the following effects to the community, landowner(s) and/or environment.  
 .....  
 .....  
 ..... (describe the anticipated resettlement; livelihood restoration, stakeholder engagement, grievance management, implementation programme, etc.).

The Framework of the proposed project may be inspected during working hours at:

- (a) Ministry responsible for Petroleum;
- (b) Ministry responsible for Mining;
- (c) The Energy and Petroleum Regulatory Authority (EPRA) Headquarters;
- (d) Relevant County Government offices
- (e) Relevant County Commissioner officer
- (f) EPRA Regional offices, where applicable;
- (g) Ministry responsible for Petroleum, Mining and EPRA websites (accessible 24 hours):

The Access to Land, Acquisition and Resettlement Committee invites members of the public to submit written comments within thirty (30) days of the date of publication of this notice to the Director-General, Energy and Petroleum Regulatory Authority (Authority Physical and Email Address).

The Access to Land, Acquisition and Resettlement Committee invites members of the public for a public hearing to be held at [details of the location]..... on [date]..... From [time].....

Dated this.....day of.....20.....

Signature.....

Project proponent.....

LAAR Committee Chairperson.....

## SIXTH SCHEDULE

### PETROLEUM (UPSTREAM PETROLEUM ACCESS TO LAND) REGULATIONS, 2025

#### (Regulation 23(1))

Application Ref. No.: .....  
LAARF Approval Ref. No.: .....

**APPLICATION FOR VARIATION OF ACCESS TO LAND, ACQUISITION AND  
RESETTLEMENT FRAMEWORK (LAARF)**

**PART A: PREVIOUS APPLICATIONS**

A 1: Have there been there previous applications for variation of the LAARF. YES .....  
NO .....

A 2: If yes indicate the application number .....(attach copy)

**PART B: DETAILS OF APPLICANT**

B 1: Name (Company): .....

B2: Company Registration No .....

B3: Postal Address: .....

B4: Name of contact person: .....

B5: Nationality: .....

B5: Designation of contact person: .....

B6: ID/Passport No: .....

B6: Postal Address of contact person: .....

B7: Telephone No: .....

B8: E-mail: .....

**PART C: DETAILS OF LAARF APPROVAL**

C 1: Name of the Project proponent of the LAARF:

.....

C2: Application No. of the LAARF: .....

C3: Date of approval of the LAARF: .....

**PART D: PROPOSED VARIATIONS OF THE LAARF**

D1: Approval Conditions in the LAARF:

.....

.....

..

D2: Proposed variation(s): .....

.....

.....

.....

.....

D3: Reason for variation(s):

.....

.....  
.....  
.....  
D4: Describe the changes (the project, implementation of the Framework, resettlement, livelihood restoration, socio-economic and environmental/ecological etc.) arising from the proposed variations:  
.....  
.....  
.....  
.....

D5: Describe how the landowner(s) and the community, implementation of Framework, natural ecosystems might be affected by the proposed variations:  
.....  
.....  
.....  
.....

D6: Describe how and to what extent the performance requirements set out in the Framework previously approved or previously submitted for this Framework may be affected  
.....  
.....  
.....

D7: Describe any additional measures proposed to eliminate, reduce or control any adverse changes arising from the proposed variation(s) process  
.....  
.....

D8: ESIA Licence No:..... Validity  
period.....

#### PART E: DECLARATION BY APPLICANT

I/we hereby declare that the above information is true to the best of my/our knowledge, information and belief. I understand that provision of any false statement is an offence under sections 47 and 48 of the Act and may lead to prosecution and/ cancellation, suspension or otherwise of the Framework.

.....  
Name .....Designation  
.....Signature .....



Witnessed by:.....

Date .....

On behalf of.....

Company name and seal

**PART E: FOR OFFICIAL USE**

Received by.....Date.....

Checked

by.....Date.....

Verified

by.....Date.....

Vetting comments

.....

.....

...

Officer.....Sign.....Date

.....

**PART F: FOR OFFICIAL USE**

Date of submission to the LAAR Committee.....

Date of submission of recommendations to the Cabinet

Secretary.....

.....

Important note;

4.0 Submit Ten (10) hard copies of the framework

5.0 Submit an electronic copy of the framework sent to [info@epra.go.ke](mailto:info@epra.go.ke)

6.0 Pay the fees prescribed in Schedule 2.

## SEVENTH SCHEDULE

### Regulations 6(10), 7(3) and 30(2)

#### OFFENCES AND PENALTIES

Regulation	Offence	Penalty
6(10)	Contravening the provisions relating to seeking consent to access land for petroleum operations in the manner prescribed in sub-regulations 6(1) and (4).	A fine of not more than KSh. 5,000,000.00 or imprisonment for a term of not more than three (3) years, or to both.
7(3)	Developing upstream petroleum operations, other than conducting a survey or exploratory activities, on any land, without consent from the owner, occupier or the National Lands Commission as the case may be.	A fine of not more than KSh. 5,000,000.00 or imprisonment for a term of not more than three (3) years, or to both.
30(2)	Wilfully trespassing, obstructing, encroaching on, squatting, or in any way interfering with land or access to land used or intended to be used for upstream petroleum operations.	A fine of not more than KSh. 1,000,000.00 or imprisonment for a term of not more

		than three (3) years, or to both.
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