

Legal Notice No.....

THE ENERGY ACT (Cap. 314)

ENERGY (COAL & COAL BED METHANE) REGULATIONS, 2026

ARRANGEMENT OF REGULATIONS

PART I – PRELIMINARIES

1. Citation and Commencement
2. Application of the Regulations
3. Interpretation

PART II – UPSTREAM COAL AND COAL BED METHANE FOR ENERGY

PRODUCTION

4. National Advisory Committee on Coal and Coal Bed Methane and Institutional roles
5. Local Community Liaison Committee
6. Constitution of Coal and Coal Bed Methane Blocks
7. Concessions
8. Feasibility Study
9. Extraction and Production
10. Transfer of a Concession
11. Discovery of other Minerals
12. Reporting and Monitoring
13. Exploration, Extraction, Production and Processing of Coal Bed Methane
14. Sale of coal

PART III – DOWNSTREAM COAL AND COAL BED METHANE

Licensing

15. Licence Application

16. Factors for the Authority to consider in an Application
17. Obligations of the Authority
18. Form and duration of a Licence and permit
19. Modification, Suspension or Revocation of a Licence, Certificate or permit
20. Extension of duration of licence or permit
21. Failure by Authority to renew beyond licence or permit expiry date
22. Replacement of a Licence or Permit
23. Transfer of a Licence or Permit
24. Transfer of a coalbed methane interest
25. Register of licence and permits
26. Inspection of register
27. Construction permit
28. Generation of electricity
29. Energy production for commercial heating
30. Importation of coal
31. Exportation of coal
32. Exportation of Coal Bed Methane
33. Transportation
34. Storage, handling, common user and value addition facilities
35. Access to common user facilities
36. Obligations of operators of common user facilities
37. Form of contract for common user facilities, review and approval
38. Security stocks of coal and coal bed methane for electricity generation
39. Audits and Inspections

PART IV – MISCELLANEOUS

40. Compliance with environmental, health and safety laws
41. Reporting of accidents and incidents
42. Offences and attempted offences
43. Complaints, dispute resolution and appeals
44. Display of licences and permits
45. Resource mobilization and revenue allocation

SCHEDULES

First Schedule (r.4(4)) - Ongoing Projects Area Bounding Coordinates

Second Schedule (r.4(4)) - Ongoing Projects Areas Map

Third Schedule (r. 18(2), 23(2), 26(4), 40(4), 41(2), 42(2), 46(5), 47(5), 48(9), 54(2))-
Offences and Fines

Fourth Schedule (r.19(3), 25(1), 26(2), 28(1)) - Requirements for Applications of Licences
and Permits

Fifth Schedule (r. 19(3), 26(3), 21(2)) - Fees and Charges

Sixth Schedule (r.21) – Forms of Licences

THE ENERGY ACT
(Cap. 314)

IN EXERCISE of the powers conferred by sections 116 and 208 of the Energy Act (Cap.314), the Cabinet Secretary for Energy makes the following Regulations

ENERGY (COAL & COAL BED METHANE) REGULATIONS, 2026

PART I - PRELIMINARIES

Citation and Commencement

1.

- (1) These Regulations may be cited as the Energy (Coal & Coal Bed Methane) Regulations, 2026.
- (2) These Regulations shall come into force upon gazettelement by the Cabinet Secretary.

Application of the Regulations

2.

- (1) These Regulations shall apply to:
- a. Exploration, extraction, production, processing, transportation, storage, exportation, importation and sale of coal bed methane for use in energy production.
 - b. Processing, value addition, transportation, storage, exportation, and importation of coal for use in energy production.
 - c. Upstream coal activities including exploration, extraction and management of sale of coal which relate to the Ongoing Projects listed in paragraph 5 of the Fourth Schedule of the Act; and

		<p>d. Coal common user and value addition facilities for use in energy production.</p> <p>(3) For avoidance of doubt, these Regulations shall not apply to mineral rights issued under the Mining Act, Cap. 306 for coal use outside energy production.</p>
<p>Interpretation</p>	<p>3.</p>	<p>In these Regulations, unless the context otherwise requires —</p> <p>“Advisory Committee” means the <i>National Advisory Committee on Coal and Coal Bed Methane</i>” constituted under Regulation 4(1).</p> <p>“<i>Coal business</i>” means the exploration of coal bed methane, extraction, production, processing, import, export, storage, sales, utilization, construction of common user facilities, transport of coal and coal bed methane and its derivatives</p> <p>“<i>Coal products</i>” means products and by-products obtained from use or industrial processing of coal.</p> <p>“<i>Coal value addition facility</i>” means any facility that is used for any activity that increases the benefit of coal.</p> <p>“<i>Block</i>” means an area demarcated and published by the Government for exploration and extraction of coal, and coal bed methane.</p> <p>“<i>Concession</i>” means the right to exploit coal and coal bed methane resource pursuant to an agreement between the Government and the Concessionaire issued under national legislation/these regulations</p> <p>“<i>Common user facility</i>” means a facility owned and maintained by a licensed person which may be used by authorized and licensed third parties for coal or coal bed</p>

	<p>methane activities.</p> <p><i>“Concessionaire”</i> means the holder of a Concession.</p> <p><i>“Energy production facility”</i> means a facility that uses coal or coal bed methane to generate electricity and/or produce energy</p> <p><i>“Environmental liability policy”</i> means a statement of commitment by a party to the laws, regulations and other policy mechanisms concerning environmental issues</p> <p><i>“Exploration”</i> means activities carried out in coal blocks for data acquisition using geological, geochemical, geophysical exploration and appraisal wells or any other method with a view to locating and confirming the existence and viability of coal and coal bed methane.</p> <p><i>“Extraction”</i> means the process of removing the coal or coal bed methane from the ground either by surface or underground mining.</p> <p><i>“Feasibility study”</i> means a detailed assessment of a coal project covering resource estimates, mining plan, economic viability, environmental, health, safety and social impacts with mitigation measures, development timelines, and decommissioning and remediation plans.</p> <p><i>“Kenya Standard”</i> means the specification or code of practice provided under the Standards Act, CAP 496.</p> <p><i>“Liaison Committee”</i> means the Local Community Liaison Committee established in regulation 5 (1) of these regulations</p> <p><i>“Licence”</i> means any document or instrument in writing granted under this Act, to any person authorizing the undertaking of coal business.</p>
--	---

		<p>"<i>Licensee</i>" means a person who is a holder of a Licence or permit issued under these Regulations.</p> <p>"Licensing authority," means any person or body, including the Authority, with powers to grant, revoke or suspend a licence under the Act.</p> <p>"<i>Load port</i>" means the immediate previous country of origin where the coal or coal bed methane was loaded.</p> <p>"<i>Local community</i>" has the meaning as defined in the Act.</p> <p>"<i>Person</i>" has the meaning as defined in the Act.</p> <p>"<i>Permit</i>" has the meaning assigned to it under the Act.</p> <p>"<i>Premises</i>" has the meaning assigned to it under the Act.</p> <p>"<i>Professional engineer</i>" means a person registered by the Engineers Board of Kenya under the Engineers Act to practice as an engineer</p> <p>"<i>Tribunal</i>" has the meaning as defined in the Act; and</p> <p>"<i>Vehicle</i>" has the meaning assigned to it under the Traffic Act, CAP 403.</p>
--	--	--

PART II: UPSTREAM COAL AND COAL BED METHANE

National Advisory Committee Coal and Coal Bed Methane	4 (A)	<p>(1) In managing the Ongoing Projects under the Fourth Schedule of the Act, the Cabinet Secretary shall constitute a National Advisory Committee on Coal and Coal Bed Methane</p> <p>(2) The functions of the Advisory Committee shall be to.</p> <ul style="list-style-type: none"> a. advise the Cabinet Secretary on strategic direction for the development and utilization of coal and coal bed methane . b. advise the Cabinet Secretary during the negotiation of and entering Concessions
---	-------	---

- c. upon the recommendation of the Authority, advise the Cabinet Secretary on the suspension, revocation or termination of Concessions
- d. perform such other functions and duties in accordance with this Act or any other written law.

(3) The Committee shall comprise of:

- a. Principal Secretary responsible for Energy or their authorized representative, who shall be the chairperson.
- b. Principal Secretary responsible for Mining or their authorized representative.
- c. Principal Secretary National Treasury or their authorized representative.
- d. Director General of the National Environment Management Authority or their authorized representative.
- e. Director General of the Energy and Petroleum Regulatory Authority or their authorized representative, who shall be the secretary
- f. Representative of the Council of Governors.
- g. The Attorney General or their authorized representative.
- h. The technical officer in charge of coal at the ministry responsible for coal.

(4) Where technical expertise is required, not more than four (4) technical experts may be co-opted as the Advisory Committee may determine from time to time

(5) The technical expert(s) co-opted to the Advisory

		<p>Committee shall have the following qualifications:</p> <ul style="list-style-type: none"> a. Satisfy the requirements of Chapter 6 of the Constitution of Kenya, 2010 on leadership and Integrity. b. Possess a minimum qualification of a bachelor’s degree from a recognized university; And c. Possesses at least ten (10) years’ relevant experience
<p>Institutional Mandates and Coordination</p>	<p>4 (B)</p>	<p>(1) The management, regulation, governance and development of coal and coal bed methane for energy production shall involve coordinated actions among the following institutions-</p> <ul style="list-style-type: none"> a. the Ministry responsible for energy b. the Ministry responsible for mining c. the Energy and Petroleum Regulatory Authority d. the Kenya Bureau of Standards. e. the Kenya Revenue Authority f. the Kenya Ports Authority g. county governments and h. such other public bodies or agencies as the engaged in coal and coalbed methane <p>(2) Each institution shall perform its functions in accordance with its respective legal mandate and shall collaborate under a joint coordination framework established by the Cabinet Secretary.</p> <p>(3) The Authority shall act as the lead agency for technical and economic regulation of coal and coal bed methane for energy production, while ensuring harmonization of licensing, environmental, safety, and quality</p>

		<p>standards across relevant agencies.</p> <p>(4) The Cabinet Secretary shall establish an Inter-Agency Coordination Framework for information sharing, compliance monitoring, and dispute resolution among the relevant institutions.</p> <p>(5) The Coordination Framework under sub-regulation (4) shall—</p> <p>(a) outline procedures for joint inspections and data reporting;</p> <p>(b) promote harmonized licensing and permitting processes;</p> <p>(c) ensure public access to coal-related information; and</p> <p>(d) prevent duplication of mandates and regulatory conflicts.</p> <p>(6) Where a conflict arises between the mandates of institutions involved in the management and governance of coal and coal bed methane for energy production, the Cabinet Secretary shall, in consultation with the affected institutions, issue administrative directions for the resolution of such conflict, consistent with the Act and any other applicable written law</p>
<p>Local Community Liaison Committee</p>	<p>5.</p>	<p>(1) The Cabinet Secretary, in consultation with the relevant county government and the National Government representative in charge of administration at the County, may establish a Local Community Liaison Committee.</p> <p>(2) The Liaison Committee's terms of reference will be:</p> <p>a) liaise, assist in coordinating sensitization and awareness campaigns between implementing</p>

		<p>agencies and the community.</p> <p>b) initiate proposals on activities to be reviewed as part of corporate social responsibility projects; and</p> <p>c) any other matter that may be prescribed by the Cabinet Secretary</p> <p>(3) The Liaison Committee shall serve for a period in a manner as prescribed by the Cabinet Secretary</p> <p>(4) The membership of the Liaison Committee shall be elected from the local community and shall include representation from the vulnerable groups.</p> <p>(5) The Liaison Committee will develop its rules of procedures</p>
Constitution of Coal and Coal Bed Methane blocks	6.	<p>(1) The Cabinet Secretary shall undertake pre-feasibility study for the purposes of delineation of areas with potential coal and coal bed methane resources.</p> <p>(2) The Cabinet Secretary, in consultation with relevant agencies, may designate any area of land for purposes of exploration, development and production of coal and coal bed methane which shall be defined by specific geographical co-ordinates, and each area shall be described as a "Block".</p> <p>(3) The Cabinet Secretary shall publish such an area designated in sub-regulation (2) by notice in the Gazette.</p> <p>(4) The Cabinet Secretary may reserve any number of blocks for strategic use by the National Government.</p>
Concessions	7.	<p>(1) The Cabinet Secretary shall make available blocks for energy resources development through Concessions</p>

		<p>(2) The Concessions in sub-regulation (1) shall be issued using a method which includes the following:</p> <ul style="list-style-type: none"> a) Public Procurement and Asset Disposal Act (Cap.412C) or, b) Public Private Partnerships Act (Cap.430) <p>(3) The negotiations for Concessions shall cover the rights and obligations of the Government of Kenya and of the Concessionaire.</p>
<p>Feasibility Study</p>	<p>8.</p>	<p>(1) For upstream coal projects, the Concessionaire shall carry out a comprehensive feasibility study encompassing the following:</p> <ul style="list-style-type: none"> i. Resources assessment. ii. Financial and economic viability iii. Proposals for the development of and production of coal. iv. An assessment of the environmental, health, safety and social impacts associated with such development and mitigation measures in accordance with the provisions of the relevant laws. v. Stakeholder involvement and supporting documents vi. Legal and regulatory compliance vii. Plan for the construction, installation, and safe operation of the coal development. viii. Decommissioning, remediation, and redevelopment plan; and ix. A risk mitigation plan x. Local content plan in accordance with section

		<p>206 of the Act.</p> <p>(2) The Concessionaire shall submit the feasibility study report to the Cabinet Secretary.</p> <p>(3) The Cabinet Secretary, in consultation with the Advisory Committee, shall review the feasibility study report within thirty (30) days of submission</p> <p>(4) The Cabinet Secretary may, upon conclusion of the review in sub regulation (3), approve the feasibility study report.</p> <p>(5) The Cabinet Secretary shall, within thirty (30) days of the approval of a feasibility study, submit the Concession to Parliament for ratification in accordance with Article 71 of the Constitution.</p>
Extraction and Production	9.	<p>(1) The Concessionaire shall acquire the required coal mining licences and permits in accordance with the relevant mining laws and standards.</p> <p>(2) The Concessionaire shall acquire the required coal bed methane mining licences and permits in accordance with the Act.</p>
Transfer of a Concession	10.	<p>(1) A Concessionaire shall not transfer or otherwise assign any rights, powers or obligations conferred or imposed upon the Concessionaire by the concession without the consent of the Cabinet Secretary.</p> <p>(2) The application for transfer shall be done to the Cabinet Secretary accompanied by the relevant supporting documentation.</p> <p>(3) A concession may be transferred on the following grounds:</p> <p>a.) In the case of bankruptcy of the Concessionaire or</p>

		<p>assignment for the benefit of the Concessionaire's creditors generally, to the lawfully appointed administrator, trustee or assignee.</p> <p>b.) In the case of a corporation in liquidation, to the lawfully appointed liquidator.</p> <p>c.) In any case where the Concessionaire becomes subject to a legal disability, to any person lawfully appointed to administer the Concession's affairs.</p> <p>d.) In the case of voluntary transfer of the undertaking, to the new owner of the undertaking.</p> <p>(4) The Cabinet Secretary shall be satisfied that the transferee meets requisite legal, technical and financial competence to carry out the undertaking.</p> <p>(5) The transferee shall undertake in writing to comply with the conditions of the concession</p> <p>(6) The transferor shall comply with the tax provisions for transfer prior to making the application to the Cabinet Secretary.</p> <p>(7) The Cabinet Secretary shall not withhold any consent to any application to transfer unless there is reason to believe that public interest is likely to be prejudiced by the transfer.</p>
Discovery of other minerals	11.	<p>The Concessionaire shall report the discovery of any other mineral to the Cabinet Secretary responsible for mining in accordance with the Mining Act, CAP 306 and the Cabinet Secretary.</p>
Reporting and Monitoring	12.	<p>(1). The Concessionaire shall adhere to the reporting requirements spelt out in all the relevant laws and regulations.</p>

		(2). The Authority shall from time to time carry out inspection and monitoring for compliance
Exploration, Extraction, production and processing of Coal Bed Methane	13.	<p>(1) A person who wishes to undertake exploration, extraction, production and processing of coal bed methane and derivatives shall do so in accordance with the terms and conditions of a valid licence issued by the Authority.</p> <p>(2) A person who contravenes this regulation commits an offence and shall, where no fine or penalty thereof is expressly set out in the Act, be liable on conviction to the applicable fines set out in the Third Schedule.</p>
Sale of Coal	14.	<p>(1) The Concessionaire shall not sell the following without the authorization of the Authority:</p> <ul style="list-style-type: none"> a) Any raw or value-added coal. b) Any by-product of coal. <p>(2) Where the coal is sold locally, the Concessionaire shall prioritize such sales to other licensed energy producers.</p> <p>(3) Such a sale in sub-regulation (2) shall abide by relevant National and County laws and regulations.</p> <p>(4) The Cabinet Secretary may suspend or terminate the Concession of the Concessionaire who contravenes sub-regulation 1, 2 or 3</p> <p>(5) A Concessionaire who contravenes sub- regulation 1, 2 or 3 commits an offense and shall be liable on conviction to a fine not less than ten (10) million shillings or imprisonment for a term not exceeding two years.</p>

PART III – DOWNSTREAM COAL AND COAL BED METHANE

Licensing	15.	<p>(1) A person shall not engage in importation, storage, transportation, utilization and operation of a common user facility of coal and its derivatives without a valid licence issued by the Authority.</p> <p>(2) A person shall not engage in transportation, storage exportation, importation and sale of Coal Bed Methane without a valid licence issued by the Authority.</p>
Licence Application	16.	<p>(1) Any person intending to engage in the activities in regulation 15 must apply for a Coal Business Licence in the prescribed manner.</p> <p>(2) The application shall be submitted electronically through the RMIS, accompanied by the required documents specified in Fourth Schedule of this regulation.</p> <p>(3) The Authority shall review the application within thirty (30) days of submission.</p> <p>(4) Applicants shall comply with all applicable laws, regulations and standards governing such coal business</p> <p>(5) If the application is materially complete, does not contravene any written laws, and meets the prescribed requirements, the Authority may grant the relevant licence, permit or certificate, with or without conditions.</p> <p>(6) The Authority shall reject applications that fail to meet the prescribed requirements and shall provide the applicant with written reasons for the rejection within fourteen (14) days.</p> <p>(7) The Coal Business Licence shall be issued in the format</p>

		<p>specified in the Sixth Schedule and shall contain conditions as determined by the Authority.</p> <p>(8) A licence issued under these regulations shall be valid for the period specified in the licence.</p> <p>(9) An application for renewal of a licence or permit shall be submitted at least thirty (30) days prior to expiry, in the prescribed manner and accompanied by the required documents as specified in Fourth Schedule of this regulation.</p>
<p>Factors for the Authority to consider in an application</p>	<p>17.</p>	<p>(1) The Authority shall, in granting or rejecting an application for a licence or permit, take into consideration the factors</p> <ul style="list-style-type: none"> a) the impact of the undertaking on the social, cultural or recreational life of the community. b) the need to protect the environment and to conserve the natural resources in accordance with the environmental, health, and maritime laws and international maritime treaties ratified by Kenya and other guidelines developed by the Authority. c) compliance with Occupational Safety and Health Act or other safety and health standards recommended by the Authority in consultation with the relevant statutory body. d) compliance this Act and the relevant Kenyan Standard and in the absence of such standard, any international standard recommended by the Authority in consultation with the Kenya Bureau of Standards. e) land use or the location of the undertaking. f) economic and financial benefits to the country or area

		<p>of supply of the undertaking.</p> <p>g) the cost of the undertaking and financing arrangements.</p> <p>h) the ability of the applicant to operate in a manner designed to protect the health and safety of users of the service for which a licence or permit is required and other members of the public who would be affected by the undertaking</p> <p>i) the technical and financial capacity of the applicant to render the service for which the licence or permit is required; and</p> <p>j) any other matter that the Authority may consider likely to have a bearing on the undertaking</p>
<p>Obligations of the Authority</p>	<p>18.</p>	<p>(1) The Authority may request for additional information before making a determination for an application for a licence or permit.</p> <p>(2) The Authority shall,</p> <ul style="list-style-type: none"> i. within thirty (30) days of receipt of such an application in 19 (1), ii. within forty-five (45) days of receipt of such an application in 19 (2) <p>make a decision and communicate to the applicant whether the application is successful or not.</p> <p>(1) The Authority may:</p> <ul style="list-style-type: none"> a) approve; or b) reject with reasons in communication

<p>Form and duration of a licence and permit</p>	<p>19.</p>	<p>A licence or permit issued under these regulations shall be in the form set out in the Sixth Schedule and shall be valid for:</p> <ul style="list-style-type: none"> a.) In the case of licence for operation of common user facilities for three years from the date of issue. b.) In the case of licence for coal and coal bed methane production, for the number years in the ratified coal field development plan. c.) In the case of licence for coal import and export for two years from the date of issue. d.) In the case of licence for coal and coal bed methane storage for two years from the date of issue. e.) In the case of licence for production of energy from coal and coal bed methane, for the number years in the ratified coal field development plan. f.) In the case of licence for bulk sales of coal and coal bed methane for two years from the date of issue g.) In the case of permit for operation of transport of coal and coal bed methane for three years from the date of issue. h.) In the case of permit for construction of a storage facility for coal and coal bed methane for the number years in the approved work plan and from the date of issue; and i.) In the case of permit for construction of common user facilities for the number of years in the approved work plan and from the date of issue <p>(2) A permit granted for construction of an energy production</p>
---	------------	--

		<p>facility shall be rendered invalid and cease to have effect if the execution of the works has not commenced at the expiry of twelve months from the date on which the permit was granted, or at the expiration of any extended period which the Authority may allow.</p>
<p>Modification, Suspension or Revocation of a Licence, Certificate or permit</p>	<p>20.</p>	<p>(1) The Authority reserves the right to modify, suspend, or revoke a licence, certificate and/or permit for justifiable reasons, following due notice and a hearing. Grounds for such actions include:</p> <ul style="list-style-type: none"> a. Significant changes in site conditions affecting operations; b. Major violations of licence, certificate and/or permit terms or regulatory requirements; c. Misrepresentation of critical information during the application process; d. Environmental or safety concerns arising from operations. <p>(2) The Authority shall issue a fourteen (14) days' notice to show cause why a licence, permit or certificate should not be suspended or revoked</p> <p>(3) A notice under sub-regulation (2) shall specify:</p> <ul style="list-style-type: none"> a. The relevant condition in the licence or permit or a requirement of the Act to which the breach relates. b. The actions, omission or other facts which the Authority considers as constituting a contravention of the conditions of the licence or permit or the requirements of the Act; and c. The reasons why the Authority is of the opinion

		<p>that the circumstances mentioned under paragraph (a) have occurred or arisen.</p> <p>(4) The notice shall be served upon the Licensee at the principal office of the Licensee and shall take effect from the date of service.</p> <p>(5) The Authority shall determine the matter within thirty days from the expiry of the notice.</p> <p>(6) A suspension or revocation of a licence or permit shall not indemnify the Licensee against any penalties or obligations for which such person may have become liable under the Act.</p>
Extension of duration of licence or permit	21.	<p>(1) An application for an extension of a licence or permit shall be made to the Authority in conformity with the requirements as spelled out in the Fourth Schedule.</p> <p>(2) Where the Authority refuses to extend a licence or permit, the Authority shall give the applicant reasons for the refusal in writing.</p>
Failure by Authority to renew beyond licence or permit expiry date	22.	<p>If an application for the renewal of a licence or permit has been made in conformity with Regulation 16, but has not been processed by the Authority by the date of expiry of the licence or permit, then the licence or permit shall continue to be in force until the application for renewal is processed and any renewal in such a case shall be taken to have commenced from the day when the licence or permit would have expired before the renewal.</p>
Replacement of a Licence or Permit	23.	<p>(1) A Licensee may apply for a replacement of a licence or permit in cases where the licence or permit has been lost, destroyed or defaced.</p> <p>(2) Such an application shall be accompanied by proof of</p>

		<p>payment of the prescribed fee set out in the Fifth Schedule.</p> <p>(3) Where it is shown to the satisfaction of the Authority that a licence or permit has been lost, destroyed or defaced, the Authority shall issue a duplicate licence or permit to the Licensee</p>
<p>Transfer of a Licence or Permit</p>	<p>24.</p>	<p>(1) A Licensee shall not transfer or otherwise assign any rights, powers or obligations conferred or imposed upon the Licensee by the licence or permit without the consent of the Authority.</p> <p>(2) The application of transfer shall be done to the Authority accompanied with the supporting documentation.</p> <p>(3) A licence or permit may be transferred on the following grounds:</p> <ul style="list-style-type: none"> a. In the case of a death of the Licensee, to the legal representative. b. in the case of the bankruptcy of the Licensee or assignment for the benefit of the Licensee's creditors generally, to the lawfully appointed administrator, trustee or assignee. c. in the case of a corporation in liquidation, to the lawfully appointed liquidator. d. in any case where the Licensee becomes subject to a legal disability, to any person lawfully appointed to administer the Licensees' affairs. e. in the case of voluntary transfer of the undertaking, to the new owner of the undertaking. <p>(4) The Authority shall satisfy itself that the transferee meets requisite legal, technical and financial competence to</p>

		<p>carry out the undertaking.</p> <p>(5) The transferee shall undertake in writing to comply with the conditions of the licence or permit.</p> <p>(6) The transferor shall comply with the tax provisions for transfer prior to making the application to the Authority.</p> <p>(7) The Authority shall not withhold any consent to any application to transfer unless it has reason to believe that public interest is likely to be prejudiced by the transfer.</p>
<p>Transfer of a Coalbed Methane Interest</p>	<p>25.</p>	<p>(1) A Licensee shall not transfer any interest in a Coal Bed Methane agreement without the prior written consent of the Cabinet Secretary, granted upon the advice of the Authority.</p> <p>(2) An application for transfer shall be made electronically through the Authority, in the prescribed form, and accompanied by the documents set out in the Fourth Schedule</p> <p>(3) The Cabinet Secretary may approve a transfer where-</p> <ul style="list-style-type: none"> a. the Licensee has complied with all applicable laws, the terms of the coal bed methane agreement, and the conditions of the licence; b. the proposed transferee has demonstrated financial and technical capacity to meet the obligations of the COALBED METHANE agreement; and c. all taxes, fees, and charges relating to the transfer have been duly assessed and paid <p>The application above shall be done electronically through the Authority and be accompanied by the requisite requirements for the</p>

Transfer of coalbed methane as specified in Appendix III.

- (4) The Cabinet Secretary shall not unreasonably withhold consent to a transfer unless public interest, safety, or national security considerations justify refusal
- (5) For the purposes of this regulation, "transfer" includes any direct or indirect assignment of an interest in a coalbed methane agreement, including shareholding or ownership changes that result in control of a Licensee
- (6) The Cabinet Secretary and the Authority shall inform the relevant revenue authority of all approved transfers within twenty (20) days
- (7) The Licensee shall notify the Cabinet Secretary and the Authority of any change in ownership or control, and provide a written undertaking that the obligations of the coalbed methane agreement shall continue to be honored
- (8) The Cabinet Secretary, upon receiving an advisory from the Authority shall not unreasonably withhold permission for the transfer of an interest in coalbed methane agreement by the Licensee to another person unless there is reason to believe that the transfer of that interest shall be against public interest or safety.
- (9) Notwithstanding any other payments that may be applicable for the transfer of shares and stocks by a company that is a party to coalbed methane agreement, the Authority and the Cabinet Secretary may charge such fees for the transfer as may be prescribed in Regulations.
- (10) Any person or Licensee who contravenes the provisions of this section commits an offence and on conviction, shall

		be liable to a fine of not less than ten million shillings or to imprisonment for a term of two years or to both.
Register of Licence and Permits	26.	<p>The Authority shall keep a register and publish on its website, in such form as it may determine, of all licences and permits granted and shall record therein, in respect of each licence or permit—</p> <ul style="list-style-type: none"> a.) The particulars required under sections 96 and 100 of the Act b.) Particulars of any duplicate issued, or any amendment(s) of the licence or permit made under sections 97 and 103 of the Act c.) Particulars of any suspension or revocation of the licence or permit under these regulations; and d.) Such other particulars as the Authority may prescribe.
Inspection of Register	27.	<p>(1) Subject to sub-regulation (2) below, any person may apply to, during official working hours, and upon payment of the prescribed fee, to inspect the physical register of licences and permits.</p> <p>(2) Notwithstanding the provisions of sub-regulation (1), the following persons are exempt from payment of the fee:</p> <ul style="list-style-type: none"> a.) Member of the National Police Service or a public officer acting in the course of their duty;or b.) Employee of the Authority or person authorized in writing by the Authority, or c.) Person having the express exemption granted by the Authority
Construction Permit	28.	(1) Any person who wishes to construct a coal and coal bed methane storage, handling, common user and value

		<p>addition facility shall apply to the Authority for a construction permit with respect to the facility as per the requirements in appendix I.</p> <p>(2) Where a facility that produces energy using coal is constructed without a permit, the Authority may give the owner or occupier of such facility twenty-one days' notice in writing to either obtain the requisite permits and if such permit is not obtained within the said period, stop the construction and immediately decommission the works.</p> <p>(3) If the owner or occupier of the facility in sub section fails to remove the works, the Authority shall decommission the works at the cost of that person.</p> <p>(4) Notwithstanding subsection (1), any person who constructs a coal value addition facility and a bulk coal storage facility without a permit is liable on conviction to a fine of not less than one million shillings.</p>
Generation of electricity	29.	<p>(1) A person who wishes to undertake generation of electricity from coal, coal bed methane and derivatives shall make an application for a licence to the Authority in conformance with these regulations.</p> <p>(2) The requirements, procedures and supporting documentations necessary for obtaining such an approval are prescribed in Appendix XIII.</p>
Energy production for commercial heating	30.	<p>(1) Any person who wishes to produce energy from coal, coal bed methane and its derivatives shall do so with a valid licence issued by the Authority.</p> <p>(2) A person licensed to produce energy using coal or coal bed methane shall not stock coal, coal bed methane or derivatives that do not conform to the Kenyan standards.</p>

		<p>(3) A person licensed to produce energy using coal, coal bed methane or derivatives shall maintain records of quantities of coal, coal bed methane or derivatives that is purchased or used.</p> <p>(4) The records in sub-regulation (2) shall be maintained for at least seven calendar years and shall contain the following information in relation to each consignment coal, coal bed methane or derivatives:</p> <ul style="list-style-type: none"> a. Date of purchase b. Country of origin c. Name of the business entity from which each consignment was purchased d. Net weight in kilograms purchased e. Net weight in kilograms of coal, coal bed methane or derivatives held at the Licensee’s premises f. Net weight in kilograms of coal, coal bed methane or derivatives used during the reporting period g. Records of quality test certificates done from an accredited laboratory/facility. <p>(5) A person who contravenes this regulation commits an offence and shall be upon conviction be liable to the fine set forth in the Third Schedule.</p>
Importation of coal	31.	<p>(1) A person who wishes to undertake importation of Coal or Coal Bed Methane shall make an application for a licence to the Authority in conformance with these regulations.</p>

	<p>(2) The requirements, procedures and supporting documentations necessary for obtaining such an approval are prescribed in Appendix IX of this regulation.</p> <p>(3) A Coal or Coal Bed Methane importer shall do so through the import routes prescribed by the East African Community Customs Management Act</p> <p>(4) The holder of a licence to import coal shall import through the import routes prescribed by the East African Community Customs Management Act.</p> <p>(5) The importer provided under sub-regulation (1) shall within twenty-four (24) hours prior to the arrival of the coal at a point of entry, declare to the Authority the –</p> <ul style="list-style-type: none">a. load port of the coalb. total quantity of the coal in kilograms; andc. Final destination points of the coal. <p>(6) All imported coal shall be tested at the prescribed load port and port of landing as specified by the Kenya Bureau of Standards or any such body responsible for standards in Kenya</p> <p>(7) Where the specifications of such coal fail to meet the Kenya Standard, the importer shall return the coal to the load port</p> <p>(8) Where the importer fails to return the coal specified in sub-regulation (4) to the load port, the Authority shall facilitate the destruction of the coal at the cost of the importer</p> <p>(9) An importer shall submit to the Authority the following information with respect to the preceding month, on or</p>
--	---

		<p>before the 10th day of each calendar month –</p> <ul style="list-style-type: none"> a. total quantity in kilograms of coal imported b. the source of imported coal c. total coal supply to coal consumers indicating the quantity in kilograms <p>(10) An importer shall not supply coal to any person unless such a person is in possession of a valid coal licence or permit issued under the Act.</p> <p>(11) An importer shall comply with International Maritime Solid Bulk Cargoes (IMSBC) Codes and requirements for safe transport of coal. These includes but not limited to:</p> <ul style="list-style-type: none"> a. Cargo ventilation, b. Coal moisture content, c. Temperature measurement during loading and during voyage, d. Coal cargo declaration on properties and associated hazards <p>(9) The Authority may instruct an importer to terminate the supply of coal to a coal consumer where it is established that the consumer is in violation of the licence or permit conditions required under the Act.</p> <p>(10) A person who contravenes this regulation commits an offence and shall be liable on conviction to the fine set out in the Third Schedule</p>
Exportation of coal	32.	<p>(1) A holder of a mineral dealer's licence under the Mining laws shall obtain a letter of no objection from the Authority before applying for an export permit for coal</p>

		<p>extracted from the Ongoing Projects listed in the Fourth Schedule of the Act.</p> <p>(2) The Authority may issue a letter of no objection if it determines that the domestic market demand for coal is satisfied</p>
Exportation of Coal Bed Methane	33.	<p>(1) A person who wishes to undertake exportation of Coal Bed Methane shall do so in accordance with the terms and conditions of a valid licence issued by the Authority.</p> <p>(2) The requirements, procedures and supporting documentations necessary for obtaining such a licence are prescribed in Appendix IX of this regulation.</p> <p>(3) A person who wishes to undertake exportation of Coal Bed Methane shall do so through gazzeted export routes</p>
Transportation	34.	<p>(1) A person who wishes to—</p> <p style="padding-left: 40px;">a) A person who wishes to undertake transportation of coal, Coal Bed Methane or coal by-products by road, rail or any other mode shall obtain a valid licence issued by the Authority.</p> <p style="padding-left: 40px;">b) drive a vehicle, or engage a driver, for the purpose of transporting coal or coal bed methane shall ensure that such driver is certified for that purpose by the Authority.</p> <p>(2) The requirements, procedures and supporting documentations necessary for obtaining such approvals are prescribed in Appendix IV and VI of this regulation.</p> <p>(3) A person who contravenes this regulation commits an offence and shall, where no fine or penalty thereof is expressly set out in the Act, be liable on conviction to the</p>

		applicable fines set out in the Third Schedule.
Storage, handling, Common User and Value Addition facilities	35.	<p>(1) A person who wishes to operate a coal or coal bed methane storage, handling, common user and value addition, facilities shall make an application for a licence to the Authority in the prescribed form in Fourth Schedule.</p> <p>(2) The application in sub-regulation (1) shall be submitted in conformity with the requirements as spelled out in the Appendix II and accompanied by the requisite fees as set out in the Fifth Schedule</p>
Access to common user facilities	36.	<p>(1) A person licensed to operate a common user facility shall provide non-discriminatory open access to its facility for use by any Licensee on payment of fair and reasonable tariffs and charges as shall be approved by the Authority from time to time.</p> <p>(2) Where any Licensee willfully delays complying with the terms of the contract pursuant to sub- regulation the Authority may</p> <ol style="list-style-type: none"> a. compel the Licensee to evacuate the coal products when appropriate b. order disposal of such products held by a common user facility in the event of the Licensee failing to comply with such direction c. impose such penalties and fines as set out in Third Schedule of these Regulations
Obligations of operators of common user	37.	<p>(1) The operator of a common user facility shall not: -</p> <ol style="list-style-type: none"> a) Load or discharge coal or coal bed methane to or from an unlicensed coal or coal bed methane transport

<p>facilities</p>		<p>vehicle.</p> <p>b) Allow a coal or coal bed methane transport vehicle to be driven into his facility by an operator who is not in possession of a valid driver’s certificate issued by the Authority or its licensing agents.</p> <p>(2) A person who contravenes this regulation shall be upon conviction be liable to the fine set out in the Third Schedule.</p>
<p>Form of contract for common user facilities, review and approval</p>	<p>38.</p>	<p>(1) Any person licensed to operate a common user facility shall use a form of contract approved by the Authority which shall set out the rights and responsibilities of the licensee and users of the facility.</p> <p>(2) In approving a form of contract under sub- regulation (1), the Authority shall satisfy itself that such a form of contract has fair and reasonable provisions dealing with issues, including but not limited to—</p> <ul style="list-style-type: none"> a. limitation of liability of the licensee. b. termination and suspension provisions; and c. complaint handling and dispute resolution mechanism. <p>(3) If disputes are not resolved as provided in the contract, redress may be sought in accordance with the law</p> <p>(4) The Authority shall review and approve the agreed contract before execution by the parties</p> <p>(5) A copy of the contract executed shall always be in custody of the Authority.</p>
<p>Security stocks of coal and coal bed</p>	<p>39.</p>	<p>(1) An electricity generation licensee shall maintain a security stock level equivalent to coal or coal bed</p>

methane for electricity generation		methane required to operate the power plant for a minimum of ninety (90) days at the full capacity of the plant.
Audits and Inspections	40.	The Authority shall carry out periodic inspections of the coal business premises to ascertain conformity with licence or permit conditions.
PART IV – MISCELLANEOUS		
Compliance with environmental, health and safety laws	41.	The licensee shall undertake to comply with the relevant laws on the environment, health and safety
Reporting of accidents and incidents	42	<p>(1) A Licensee or permit holder shall notify the Authority in writing of any incident or accident in accordance with section 214 of the Act</p> <p>(2) The information to be submitted to the Authority shall include the following-</p> <ul style="list-style-type: none"> (a) name of the facility and/or vehicle licensee (b) name and certificate number of the of the driver of the vehicle involved where applicable. (c) date and time of the incident or accident. (d) location and geographical spread of the incident or accident. (e) number of injuries and/or fatalities if any. (f) scale of environmental damage if any. (g) personal property and third-party property damage if any. (h) description of the events leading to and the most probable cause of the incident or accident.

		<p>(3) The licensing authority or the Authority may direct an investigation to be carried out into any accident or incident under sub-regulation(1) in accordance with the laid down procedures.</p> <p>(4)A coal business Licensee who fails to comply with these Regulations commits an offence.</p>
Offences and attempted offence	43.	(1) A person who contravenes the provisions of these regulations relating to section 115 of the Act will be liable to the penalties provided therein
Complaints and disputes resolutions and appeals	44.	(1) A person who is dissatisfied or aggrieved by a decision by the Authority may within thirty days of communication to him of the order or decision appeal to the Energy and Petroleum Tribunal established under section 25 of the Act.
Display of licences and permits	45	<p>(1) Every licence or permit, except when lodged with the Authority, must be displayed in a prominent position at the licensed premises.</p> <p>(2) If a licensee or permit holder fails to display the licence or a certified copy, they commit an offence and are liable, upon conviction, to a fine as specified in Third Schedule</p>
Resource mobilization and revenue allocation	46	<p>(1) There is established a fund to be known as the Coal Energy Regulatory Fund, which shall be administered by the Authority for the purposes of regulation, compliance monitoring, research, and capacity building within the coal energy value chain.</p> <p>(2) The Fund shall consist of—</p>

		<p>(a) a percentage share of royalties, concession fees, or other revenues derived from coal and coal bed methane energy projects as provided under these Regulations;</p> <p>(b) fees, levies, and penalties payable under these Regulations; grants, gifts, or donations lawfully received from any lawful source.</p> <p>(3) Pursuant to Article 202(1) of the Constitution and section 183 of the Mining Act, (Cap. 306), the revenue from coal energy production shall be shared as follows—</p> <p>(a) National Government – seventy per cent (70%);</p> <p>(b) County Government where the resource is located – twenty per cent (20%);</p> <p>(c) Local Community – ten per cent (10%).</p> <p>(4) Provided that out of the National Government’s share under paragraph (a), three per cent (3%) shall be allocated and remitted to the Energy and Petroleum Regulatory Authority (EPRA) to support regulatory functions, environmental compliance monitoring, data management, and safety enforcement for the coal energy subsector.</p> <p>(5) The Fund shall be operated under a separate account in accordance with the Public Finance Management Act, 2012, and shall be administered by the Authority in consultation with the Cabinet Secretary responsible for energy and the National Treasury.</p> <p>(6) The Fund shall be applied to-</p>
--	--	---

		<p>(a) finance regulatory operations, licensing, inspection, and enforcement activities under these Regulations;</p> <p>(b) undertake research and capacity-building programs on coal energy utilization;</p> <p>(c) establish and maintain a coal data and information management system; and</p> <p>(d) support community engagement and environmental monitoring initiatives.</p> <p>(7) The Cabinet Secretary may, on the recommendation of the Authority, make rules for the proper management and accounting of the Fund.</p>
--	--	---

FIRST SCHEDULE (r.4(4))

ONGOING PROJECTS AREA BOUNDING COORDINATES

I) MUI BASIN COAL BLOCK CONCESSIONS

UTM Zone 37S Arc 1960		
	Meters East	Meters North
COAL BLOCK "A" CONCESSION		
1	416000	9857000
2	417000	9837000
3	411000	9837000
4	410000	9840000
5	411000	9844000
6	411000	9849000
7	409000	9857000
COAL BLOCK "B" CONCESSION		
1	413000	9870000
2	416000	9866000
3	418000	9864000
4	418000	9861000
5	416000	9857000
6	409000	9857000
7	406000	9870000
COAL BLOCK "C" CONCESSION		
1	416000	9887000
2	415000	9882000
3	415000	9874000
4	413000	9870000
5	406000	9870000
6	405000	9876000

UTM Zone 37S Arc 1960		
	Meters East	Meters North
7	407000	9882000
8	407000	9887000
COAL BLOCK "D" CONCESSION		
1	415000	9905000
2	417000	9897000
3	416000	9887000
4	407000	9887000
5	407000	9892000
6	410000	9892000
7	412000	9897000
8	407000	9902000

Arc 1960 Decimal Degrees		
	Longitude	Latitude
SOUTH COAL BLOCK "19"		
1	38.0	-1.5
2	38.25	-1.5
3	38.25	-2.0
4	38.0	-2.0
SOUTH COAL BLOCK "20"		
1	38.25	-1.50
2	38.30	-1.50
3	38.30	-1.75

4	38.25	-1.75
---	-------	-------

**II) EXPLORATORY COAL AND COAL BED METHANE DRILLING
SERVICES IN KITUI, KWALE, KILIFI AND TAITA TAVETA COUNTIES**

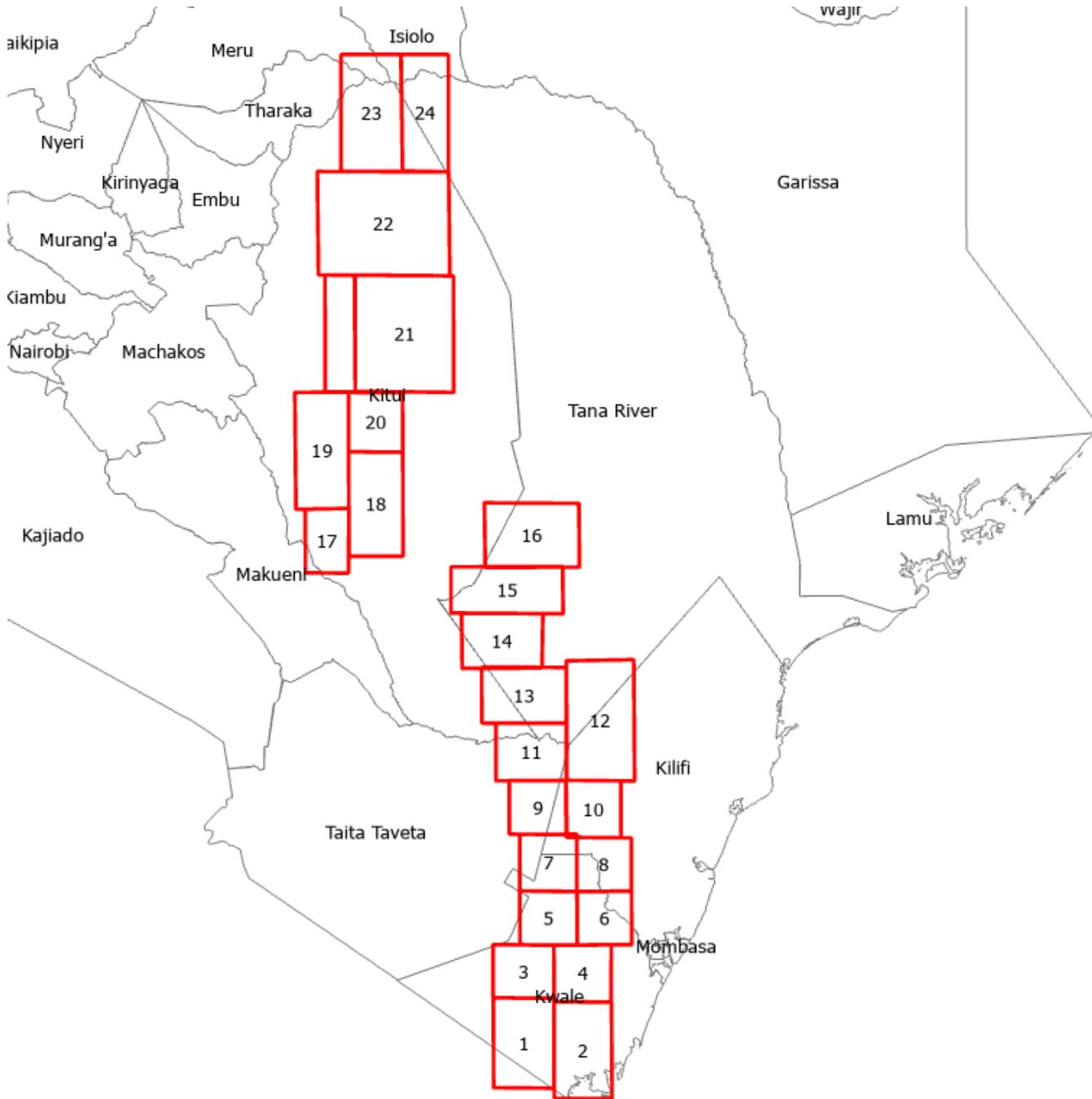
	Arc 1960 Degrees, Minutes		Arc 1960 Decimal Degrees	
	Longitude	latitude	Longitude	latitude
BLOCK "1"				
1	38 52 E	4 15S	38.87	-4.25
2	38 52 E	4 38S	38.87	-4.63
3	39 08 E	4 15S	39.13	-4.25
4	39 08 E	4 38	39.13	-4.63
BLOCK "2"				
1	39 09 E	4 15 S	39.15	-4.25
2	39 09 E	4 40 S	39.15	-4.67
3	39 26 E	4 15 S	39.43	-4.25
4	39 26 E	4 40 S	39.43	-4.67
BLOCK "3"				
1	38 52 E	4 00 S	38.87	-4
2	38 52 E	4 15 S	38.87	-4.25
3	39 08 E	4 00 S	39.13	-4
4	39 08 E	4 15 S	39.13	-4.25
BLOCK "4"				
1	39 08 E	4 00 S	39.13	-4
2	39 08 E	4 15 S	39.13	-4.25
3	39 23 E	4 00 S	39.38	-4
4	39 23 E	4 15 S	39.38	-4.25
BLOCK "5"				
1	39 00 E	3 45 S	39	-3.75
2	39 00 E	4 00 S	39	-4
3	39 14 E	3 45 S	39.25	-3.75
4	39 14 E	4 00 S	39.25	-4
BLOCK "6"				
1	39 14 E	3 45 S	39.25	-3.75

	Arc 1960 Degrees, Minutes		Arc 1960 Decimal Degrees	
	Longitude	latitude	Longitude	latitude
2	39 14 E	4 00 S	39.25	-4
3	39 30 E	3 45 S	39.5	-3.75
4	39 30 E	4 00 S	39.5	-4
BLOCK "7"				
1	39 00 E	3 30 S	39	-3.5
2	39 00 E	3 45 S	39	-3.75
3	39 14 E	3 30 S	39.25	-3.5
4	39 14 E	3 45 S	39.25	-3.75
BLOCK "8"				
1	39 14 E	3 30 S	39.25	-3.5
2	39 14 E	3 45 S	39.25	-3.75
3	39 30 E	3 30 S	39.5	-3.5
4	39 30 E	3 45 S	39.5	-3.75
BLOCK "9"				
1	38 56 E	3 15 S	39	-3.25
2	38 56 E	3 30 S	39	-3.5
3	39 11 E	3 15 S	39.18	-3.25
4	39 11 E	3 30 S	39.18	-3.5
BLOCK "10"				
1	39 11 E	3 15 S	39.18	-3.25
2	39 11 E	3 30 S	39.18	-3.5
3	39 26 E	3 15 S	39.43	-3.25
4	39 26 E	3 30 S	39.43	-3.5
BLOCK "11"				
1	38 53 E	3 00 S	38.88	-3
2	38 53 E	3 15 S	38.88	-3.25
3	39 11 E	3 00 S	39.18	-3

	Arc 1960 Degrees, Minutes		Arc 1960 Decimal Degrees	
	Longitud e	latitud e	Longitu d e	latitud e
4	39 11 E	3 15 S	39.18	-3.25
BLOCK "12"				
1	39 11 E	2 41 S	39.18	-2.68
2	39 11 E	3 15 S	39.18	-3.25
3	39 30 E	2 41 S	39.5	-2.68
4	39 30 E	3 15 S	39.5	-3.25
BLOCK "13"				
1	38 50 E	2 45 S	38.83	-2.75
2	38 50 E	3 00 S	38.83	-3
3	39 11 E	2 45 S	39.18	-2.75
4	39 11 E	3 00 S	39.18	-3
BLOCK "14"				
1	38 45 E	2 30 S	38.75	-2.5
2	38 45 E	2 45 S	38.75	-2.75
3	39 06 E	2 30 S	39.1	-2.5
4	39 06 E	2 45 S	39.1	-2.75
BLOCK "15"				
1	38 41 E	2 19 S	38.68	-2.32
2	38 41 E	2 30 S	38.68	-2.5
3	39 11 E	2 19 S	39.18	-2.32
4	39 11 E	2 30 S	39.18	-2.5
BLOCK "16"				

1	38 51 E	2 00 S	38.85	-2
2	38 51 E	2 18 S	38.85	-2.3
3	39 15 E	2 00 S	39.25	-2
4	39 15 E	2 18 S	39.25	-2.3

SECOND SCHEDULE (r.4(4))
ONGOING PROJECTS AREAS MAP



THIRD SCHEDULE

(r.18(2), 23(2), 26(4), 40(4), 41(2), 42(2), 46(5), 47(5), 48(9), 54(2))

OFFENCES AND FINES

	Offence	Penalty or fine in Kshs/Jail Term on conviction	Penalty or fine in Kshs/Jail Term for attempted
1	Generation of electricity from coal without a valid Licence contrary to Regulation 29	Fine of not less than two hundred thousand shillings, or imprisonment for a term of not less than one year, or to both such fine and imprisonment	Fine of not less than one hundred thousand shillings or a term of imprisonment of not less than six (6) months or to both such fine and imprisonment
2	Transportation of coal without a valid permit contrary to Regulation 34	Fine of not less than two hundred thousand shillings, or imprisonment for a term of not less than one year, or to both such fine and imprisonment	Fine of not less than one hundred thousand shillings or a term of imprisonment of not less than six (6) months or to both such fine and imprisonment -
3	Failure to renew a Licence or permit, but continues to engage in coal business	Fine of not less than One Million Shillings or a term of imprisonment of not less than one (1) year or both such fine and imprisonment.	Fine of not less than one million shillings or a term of imprisonment of not less than three years or to both such fine and imprisonment.-

4	Failure to display a Licence, permit or a certified copy within the premises of the Licence contrary to regulation 45	A fine of not exceeding one million shillings	-
5	Construction of a coal value addition facility and a coal storage facility without a permit	Fine of not less than One Million Shillings or a term of imprisonment of not less than one (1) year or both such fine and imprisonment.	Fine of not less than one million shillings or a term of imprisonment of not less than three years or to both such fine and imprisonment-
6	Failure to provide non-discriminatory open access to its facility for use by any	A fine of not less than one million shillings	-
	Offence	Penalty or fine in Kshs/Jail Term on conviction	Penalty or fine in Kshs/Jail Term for attempted
1	Generation of electricity from coal without a valid Licence contrary to Regulation 29	Fine of not less than five hundred thousand shillings, or imprisonment for a term of not less than three months, or to both such fine and imprisonment	-

2	Transportation of coal without a valid permit contrary to Regulation 34	Fine of not less than fifty thousand shillings, or to imprisonment for a term of not less than three months, or to both such fine and imprisonment.	-
3	Failure to renew a Licence or permit, but continues to engage in coal business	A penalty equivalent to fifty per cent of the prescribed Licence or permit fee	-
4	Failure to display a Licence, permit or a certified copy within the premises of the Licence contrary to regulation 25	A fine of not exceeding one million shillings	-
5	Construction of a coal value addition facility and a coal storage facility without a permit	two hundred thousand shillings or a term of imprisonment of not less than one year or to both such fine and imprisonment	-
6	Failure to provide non-discriminatory open access to its facility for use by any	A fine of not less than one million shillings	-

	Offence	Penalty or fine in Kshs/Jail Term on conviction	Penalty or fine in Kshs/Jail Term for attempted
	Licensee or person on payment of fair and reasonable charges		
7	Load or discharge coal or coal bed methane to or from an unlicensed coal or coal bed methane transport vehicle or allowing a coal or coal bed methane transport vehicle to be driven into his facility by an operator who is not in possession of a valid driver certificate issued by the Authority	A fine of not less than one million shillings	-
8	Failure to report accidents or incidents	A fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding six months or both	-

9	Operating of a facility that produces energy using coal or being a transporter of coal for energy production, fails to institute appropriate environmental, health or safety control measures.	Two hundred thousand shillings or a term of imprisonment of not less than one year or to both such fine and imprisonment	One hundred thousand shillings or a term of imprisonment of not less than six months or both such fine and imprisonment
10	Being the owner or operator of a facility that produces energy	Two hundred thousand shillings or a term of imprisonment of not less	One hundred thousand shillings or a term of imprisonment

	Offence	Penalty or fine in Kshs/Jail Term on conviction	Penalty or fine in Kshs/Jail Term for attempted
	using coal or transporter of coal for energy production, contravenes the provisions of this Act or any regulations made thereunder relating to the construction or operation of a facility that produces energy using coal	than one year or to both such fine and imprisonment	of not less than six months or to both such fine and imprisonment

11	Maliciously misinforms the public leading to economic sabotage	One million shillings or a term of imprisonment of not less than one year or to both such fines and imprisonment, if the offence relates to paragraphs	One million shillings or a term of imprisonment of not less than three years or to both such fine and imprisonment
12	Illegally acquires any interest in public land set aside for development of facilities intended to produce energy using coal	One million shillings or a term of imprisonment of not less than one year or to both such fines and imprisonment, if the offence relates to paragraphs	One million shillings or a term of imprisonment of not less than three years or to both such fine and imprisonment
13	Being the owner of a facility that produces energy using coal, contravenes the provisions of this Act relating to the construction such facility	One million shillings or a term of imprisonment of not less than one year or to both such fines and imprisonment, if the offence relates to paragraphs	One million shillings or a term of imprisonment of not less than three years or to both such fine and imprisonment
14	Owns or operates an unlicensed facility that produces energy using coal	One million shillings or a term of imprisonment of not less than one year or to both such fine and	One million shillings or a term of imprisonment of not less than three years or

	Offence	Penalty or fine in Kshs/Jail Term on conviction	Penalty or fine in Kshs/Jail Term for attempted
		imprisonment, if the offence relates to paragraphs	to both such fine and imprisonment
15	Constructs any facility defined without obtaining a construction permit	One million shillings or a term of imprisonment of not less than one year or to both such fines and imprisonment, if the offence relates to paragraphs	One million shillings or a term of imprisonment of not less than three years or to both such fine and imprisonment

FOURTH SCHEDULE (r. 19(3), 25(1), 26(2))

REQUIREMENTS AND FORMS FOR APPLICATIONS OF LICENCES AND
PERMITS

A: APPLICATION FORMS

**FORM I: APPLICATION FOR A CONSTRUCTION PERMIT FOR A COAL/COALBED
METHANE STORAGE FACILITY**

1. Application Type:

- a. New Application
- b. Amendment Application
 - i. Amendment Details: _____

2. Type of Construction permit:

- a. Consumer Site
- b. Common User Facility
- c. Storage Facility

3. Bio Data:

- i. Business/Company Name:
- ii. Postal address:
- iii. Email Address:
- iv. Telephone:
- v. Physical Address:
- vi. Registration Date:
- vii. Business Type
- viii. Business Registration No.:
- ix. Contact Person
 - a. Name
 - b. Designation
 - c. Mobile Number
- x. Country:

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

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

5. Proposed location of the Storage facility:

- I. Plot No: _____
- II. Name of area: _____
- III. Sub-County: _____
- IV. County: _____

GPS coordinates:

Longitude: _____ Latitude: _____

6. Full description of the coal facility:

a) Expected storage capacity (MT):

7. Attach the certified copies of documents as per set criteria for construction permit for the requisite permit category coal/coal bed methane storage facility in the Coal Licensing Framework 2026.

FORM II: APPLICATION FOR A COAL/COALBED METHANE BUSINESS LICENCE

1. Type of coal/coalbed methane business Licence

- a. Storage of coal/coalbed methane
- b. Import of Coal
- c. Transport of coal/coalbed methane
- d. Transport of coalbed methane
- e. Industrial Energy Production from Coal/Coalbed methane
- f. Electricity Generation from Coal/Coalbed methane

2. Application Type:

- a. New Application
- b. Renewal Application
- c. Amendment Application
 - i. Amendment Details: _____

3. Bio Data:

- i. Business Name
- ii. Postal address:
- iii. Email Address:
- iv. Telephone:
- v. Physical Address:
- vi. Registration Date:
- vii. Business Type
- viii. Business Registration No.:
- ix. Contact Person
 - a. Name
 - b. Designation
 - c. Mobile Number
- x. Country:

xi. County:

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

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

5. Proposed location of the business premises:

V. Plot No: _____

VI. Building Name: _____

VII. Street/Market: _____

VIII. County: _____

GPS coordinates:

Longitude: _____

Latitude: _____

6. For transport, full description of the transport truck/Locomotives for a transport Licence

- b) Vehicle Type
- c) Truck/Locomotive/Wagon Number
- d) Truck Chassis No.
- e) Truck Maximum Capacity

7. Attach the certified copies of documents as per set criteria for the requisite Licence as set in the Coal Licensing Framework 2026.

FORM III: APPLICATION FOR A COAL OR COALBED METHANE NON-EXCLUSIVE EXPLORATION PERMIT

APPLICANT OVERVIEW			
<i>LEAD APPLICANT/PERMIT HOLDER</i>			
	Name	Company Reg. No	Percentage share
1			
<i>OTHER CONSORTIUM MEMBERS (if applicable)</i>			
2			
3			
4			
...			
Date of application:			

APPLICANT DETAILS (provide for all consortium members)	
Name:	
Nationality:	
Legal status	(Natural person, body corporate etc.)
Home office address:	
Phone	
Email:	
Fax	
Website:	
Applicant Representative Details in Kenya	
Name	

Phone:	
Address:	
Email:	
Website:	
Physical address in Kenya:	
Powers of Authority/ Appointment letter	
Parent company information (if applicable)	
Provide information on ownership structure the group and parent company up to the ultimate controlling entities (include all details as outlined above)	

PROPOSED PERMIT AREA(S) UNDER APPLICATION	
Provide details of the proposed permit area as per requirements in annex Appendix X	
Objectives of the proposed exploration:	
A	
B	
...	(Add rows if necessary)

PROPOSED WORK PROGRAMME & BUDGET
Provide a statement of the proposed minimum work programme as per the requirements in Appendix X

TECHNICAL CAPACITY OF THE APPLICANT	
	Provide a statement of the technical capacity (skills, experience in coal exploration and mining, coalbed methane drilling and production expertise, specialized equipment, qualified personnel) and experience as per the requirements in Appendix X.

FINANCIAL CAPACITY OF THE APPLICANT (For the last three (3) years)	
A	Provide for audited financial records (income, expenses, assets, liabilities, and transactions) for the last 3 years with declaration from authorized representative of the company.

AUTHORISED SIGNATORY OF THE APPLICANT	
Signature of applicant	Date
Signature of co-applicant(s) if applicable	Date

FORM IV: APPLICATION FOR TRANSFER OF INTEREST IN COALBED METHANE RIGHTS

1. Applicant Details (Transferor – Current Holder of Interest)

Name of Entity:
Address:
Contact Person:
Phone Number:
Email:
Permit/License No.:

2. Transferee Details (Transferee – Proposed Holder of Interest)

Name of Entity:
Address:
Contact Person:
Phone Number:
Email:
Company Registration Number:
Nationality/Country of Incorporation:

3. Details of Coalbed Methane Agreement

Name of Rights/License:
License/Contract Area:
Date of Rights:
Current participating interest held by transferor (%):
Proposed Interest to be transferred (%):

4. Nature and Type of Transfer

<input type="checkbox"/> Full Transfer of Interest
<input type="checkbox"/> Partial Transfer of Interest
<input type="checkbox"/> Farm-in/Farm-out
<input type="checkbox"/> Corporate Merger or Acquisition
<input type="checkbox"/> Other (please specify): _____

5. Supporting Documentation (Attach the following)

1. <input type="checkbox"/> Copy of COALBED METHANE Agreement
2. <input type="checkbox"/> Deed/Agreement of Transfer
3. <input type="checkbox"/> Board Resolutions (Transferor and Transferee)
4. <input type="checkbox"/> Financial Capability Statement of Transferee
5. <input type="checkbox"/> Technical Capability Statement of Transferee
6. <input type="checkbox"/> Proof of Good Standing of Both Parties
7. <input type="checkbox"/> Statutory registrations, Government Consents or Approvals Obtained
8. <input type="checkbox"/> Other Relevant Documents (<i>list and attach</i>): _____

6. Declaration

We, the undersigned, hereby certify that the information provided in this application is true and correct to the best of our knowledge and that we are in compliance with all applicable laws and regulations regarding the transfer of interest in coalbed methane agreements.

Transferor (Current Interest Holder)

Signature: _____

Name: _____

Title/Position: _____

Date: _____

Transferee (Proposed Interest Holder)

Signature: _____

Name: _____

Title/Position: _____

Date: _____

FORM V: SURVEY APPROVAL APPLICATION FORM

This application is hereby submitted under the Energy Act, 2019 for approval of the coalbed methane survey as follows:

Applicant's details:	
1. Name of applicant (full corporate name):	
2. Applicant's Address (full corporate address):	
3. Coalbed Methane Concession/Permit name and number:	
4. Phone number:	
5. Fax:	
6. Email address:	

Survey details:	
1. Type of the survey:	
2. Purpose of the survey:	
3. Area to be covered by the survey with coordinates (x, y, z):	

4. Proposed start and finish date for the survey:	
5. Methodology to be used:	Separate
6. Equipments to be used:	
7. Name/Company of the person conducting the survey:	
8. Person contacts details of the person conducting the survey:	
Enclosed documents: (Attach by ticking the boxes as appropriate)	
<input type="checkbox"/>	Copy of the applicant's registration documents
<input type="checkbox"/>	Survey program
<input type="checkbox"/>	Map of the operational area
<input type="checkbox"/>	Environmental impact statement
<input type="checkbox"/>	Cadastral map
<input type="checkbox"/>	Other supporting documents (specify, where applicable)

FORM VI: DRILLING PERMIT APPLICATION FORM

1. Application Type:

- a. New Permit Application
- b. Renewal of Permit Application
- c. Type of Well
 - Exploration Well
 - Production Well
 - Injection Well
 - Disposal Well
 - Specify other wells if applicable.....

2. Applicant's details:

Name of applicant (full corporate name):

Applicant's Address (full corporate address):

Exploration permit number.

Phone number:

Fax:

Email address:

3. Permit details:

i. Well name

ii. Well details (Vertical, directional, etc.)

iii. Summary of operations carried out on the well

iv. Proposed start and finish date of work	
v. Description of methodology to be used	
vi. Description of the drilling rig to be used	
vii. Name of a sub-contractor (where such person is not a contractor) responsible for executing work	
viii. Address of a subcontractor	
ix. Contact details of the person responsible for communications with the Authority regarding the permit (full name, address, telephone number and email address)	
Attach documents as per the requisite requirements in Appendix XII	
Date: (dd-mm-yyyy)	
Name of the Authorised Applicant's representative	
Signature:	
4. FOR OFFICIAL USE ONLY	
Date application received	
Name of Authorised Authority Representative	

Signature and Stamp	
---------------------	--

B: REQUIREMENTS FOR LICENCES/PERMITS

Appendix I: Requirements for Coal/Coalbed methane Storage, value addition and common user facility construction permit

a). Permit Application requirements

1. Certificate of Incorporation / Business Registration Certificate (for the firm);
2. CR12 from the Registrar of Companies (*should not be older than 1 year at the time of application submission*). Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
3. Legible Copies of Identification Documents (*IDs/Passports for all the directors*);
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
5. KRA Pin certificate or A Valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority (KRA);
6. Proof of land ownership in way or title deed or long term registered lease agreement.
7. Valid ESIA and SEA report/license from NEMA specifically authorizing development of coal storage facility.
8. Development permission from the respective County Government (including County Physical Planning Office);
9. Proof of Contractor/firms experience in works of similar magnitude and complication.
Provide a list of similar works carried in the last 5 years indicating project client name, contact person and details, name of project, cost, project duration and description.
10. Proof of firm's financial capability to undertake the works (*latest three (3) years certified Audited accounts statements or a three (3) year certified Bank Statement.*)
11. Mechanical engineer's drawings specifying materials and design/ operational limitations (Site layout design, conveyor belts, product ducts, above-ground installations(s), water fittings,ifiers, IGCC installation, dust suppression systems, carbon capture technology, management of Sulphur IV oxide, Nitrogen Oxide, ventilations as applicable) etc.; and

12. Civil engineer's drawings (all civil works including drainage, Sheds, retaining walls and fences, access roads and ramps, etc.)

13. Any other document as may be deemed necessary by the Authority

Note: All drawings are to be done by respective class of professional engineers or firm(s) registered as such (attach proof). These shall, at minimum, take into consideration of the Kenya building Standards and Requirements.

Appendix II: Requirements for Licence to Operate a Coal/Coal bed methane Storage, Value Addition and Common User Facility

a). New Licence Application requirements

1. Certificate of Incorporation / Business Registration Certificate;
2. 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*);
3. Legible Copies of Identification Documents (*IDs/Passports for all the directors*);
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
5. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
6. A valid Single Business Permit for the premises of operation from the respective County Government;
7. Proof of ownership of a coal/coalbed methane storage facility (*title deed or a registered lease in the name of applicant*);
8. A valid Environmental Impact Assessment License from NEMA for the project; or an acknowledgement from NEMA of having submitted an annual Environmental Audit report for the facility (*the acknowledgement should not be older than 1 year at the time of submission of the application*);
9. A valid Fire Clearance Certificate for the facility from the respective County Government;

10. A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard;
11. A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
12. Air quality report (*not be older than 1 year at the time of submission of the application*)
13. Proof of access to a calibrated weighbridge by submitting a scan of either (for coal common user facility):
 - a) Proof of ownership of a calibrated weighbridge; or
 - b) Long term agreement (*minimum 5 years*) for use of a calibrated weighbridge.
14. A valid certificate of weighing scale calibration (*for the weigh bridge*) from the Department of Weights and Measures;
15. A summary Emergency Response Plan from the applicant;
16. Proof of training of employees in the safe handling of Coal/coalbed methane from National Industrial Training Authority approved personnel.
17. A professional Engineers completion report to include; facility construction; facility installation; quality assurance report; system commissioning report

b). Renewal Licence Application Requirements

1. 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*);
2. Legible Copies of Identification Documents (*IDs/Passports for all the directors*);
3. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
4. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
5. A valid Single Business Permit for the premises of operation from the respective County Government;

6. Proof of ownership of a coal storage facility (*title deed or a registered lease in the name of applicant*);
7. An acknowledgement from NEMA of having submitted an annual Environmental Audit report for the facility (*the acknowledgement should not be older than 1 year at the time of submission of the application*);
8. A valid Fire Clearance Certificate for the facility from the respective County Government;
9. A valid certificate of registration of the facility as a work place from the Directorate of Occupational Safety and Health Services;
10. Air quality report (*not be older than 1 year at the time of submission of the application*)
11. Proof of access to a calibrated weighbridge by submitting a scan of either (for coal common user facility):
 - a) Proof of ownership of a calibrated weighbridge; or
 - b) Long term agreement (*minimum 5 years*) for use of a calibrated weighbridge.
12. A valid certificate of weighing scale calibration (*for the weigh bridge*) from the Department of Weights and Measures;
13. A summary Emergency Response Plan from the applicant;
14. Proof of training of employees in the safe handling of Coal from National Industrial Training Authority approved personnel.

Appendix III: Requirements for Application for Transfer of Coal or Coal Bed Methane Interest

a). Licence application requirements

1. Certificate of Incorporation / Business Registration Certificate (for the firm);
2. CR12 from the Registrar of Companies (should not be older than 1 year at the time of application submission). Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
3. Legible Copies of Identification Documents (*IDs/Passports for all the directors*);
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
5. Declaration to adhere to the Interest terms and conditions as committed by the transferor.
6. Deed/Agreement of Coalbed Methane transfer of interest by the parties.
7. Copy of the Licensees Coalbed Methane Interest agreement.
8. Boards resolutions in agreement for the transfer from both the transferor and transferee organisations/companies.
9. A letter of undertaking that Transferor is in compliance with all Kenyan laws and regulations, no outstanding fees/taxes.
10. Proof of having competent personnel by providing CVs of key technical staff with training and experience to respect to the Interest in Coalbed Methane agreement. (*Minimum; 5No with bachelor's degree and over 10 years' experience with Coalbed Methane Interest/contracts.*)
11. Proof of Applicants list of plant and equipment including ownership details (owned or leased, year of manufacture, Horse Power, current location and availability). *Attach proof ownership.*
12. Proof of Applicants experience in Interests of similar magnitude and complication. Provide a list of similar interests/contracts carried in the last 5 years indicating project client name, contact person and details, name of project, cost, project duration and description. *Attach proof.*
13. Proof of Applicants/Transferee financial capability to service the interests of the COALBED

METHANE agreement. Attach latest five (5) years certified Audited accounts statements.

14. Any other document as may be deemed necessary by the Authority

Appendix IV: Requirements for Transportation of Coal/ Coalbed Methane by Road Licence

(a) New Licence Application requirements

1. Certificate of Incorporation / Business Registration Certificate;
2. CR12 from the Registrar of Companies (should not be older than 1 year at the time of application submission). Further, if a Limited company appears as part of the
3. shareholders, provide the company's CR12 plus all the Directors' IDs);
4. Legible Copies of Identification Documents (IDs/Passports for all the directors);
5. Valid Work Permits Class "G" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document)
6. A Valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
7. A valid Motor Vehicle Inspection Certificate from the National Transport and Safety Authority for each prime mover and trailer
8. Logbook for each prime mover and trailer (Attach a valid lease agreement if vehicle is not in the name of the applicant);
9. A paired list of prime movers and trailers where necessary (In Microsoft Excel);
10. A valid Fire certificate for each vehicle from the County Government;
11. A summary Highway Emergency Response Plan from the applicant; and
12. A valid Single Business Permit for the premises of operation from the respective County Government.
13. Any other document as may be deemed necessary by the Authority

II. Renewal Licence Application requirements

1. CR12 from the Registrar of Companies (should not be older than 1 year at the time of application submission). Further, if a Limited company appears as part of the

2. shareholders, provide the company's CR12 plus all the Directors' IDs);
3. Legible Copies of Identification Documents (IDs/Passports for all the directors);
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
5. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
6. A valid Motor Vehicle Inspection Certificate from the National Transport and Safety Authority for each prime mover and trailer
7. Logbook for each prime mover and trailer (Attach a valid lease agreement if the vehicle not in the name of the applicant)
8. A paired list of prime movers and trailers where necessary (In Microsoft Excel)
9. A valid Fire certificate for each vehicle from the County Government
10. A summary Highway Emergency Response Plan from the applicant; and
11. A valid Single Business Permit for the premises of operation from the respective County Government.

Appendix V: Requirements for Coal or Coal Bed Methane Truck Driver Certificate Application

a). Licence application requirements

1. Legible copy of National ID or Passport
2. A coloured passport sized photo of the applicant.
3. If foreign, Valid Work Permit Class "C" or "G" (if applicable)
4. Valid Driving Licence (must be of appropriate class, e.g., CE for articulated trucks)
5. A Police Clearance Certificate of the applicant (should not be older than 1 year at the time of submission of the application)
6. Valid Defensive Driving Certificate from a recognized institution
7. Certification in hazardous materials handling or coal transport safety (if available)
8. Valid Tax Compliance Certificate (from KRA)

9. Valid fire training certificate from recognized institution
10. Proof of Occupational Safety and Health (OSHA) or coal-specific safety induction
11. Any health/medical fitness certificate confirming the applicant's ability to drive heavy trucks
12. Any additional documents that EPRA may deem necessary (subject to current licensing guidelines)

Appendix VI: Requirements for Transportation of Coal by Rail Licence

a.) New Licence Application requirements

1. Certificate of Incorporation / Business Registration Certificate
2. CR12 from the Registrar of Companies (*should not be older than 1 year at the time of application submission*). Further, if a Limited company appears as part of the
3. *shareholders, provide the company's CR12 plus all the Directors' IDs*)
4. Legible Copies of Identification Documents (*IDs/Passports for all the directors*)
5. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*)
6. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
7. A valid mechanical inspection certificate for each wagon
8. A valid fire certificate for each wagon from the County Government
9. Proof of ownership of each coal wagon or lease agreement with owner of the wagons
10. A valid driver certificate for each locomotive driver
11. A valid medical surveillance certificate for each locomotive driver from doctors approved by the Directorate of Occupational Safety and Health Services
12. A summary Emergency Response Plan from the applicant; and
13. A valid Single Business Permit for the premises of operation from the respective County Government.

b.) Renewal Licence Application requirements

1. 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
2. *shareholders, provide the company's CR12 plus all the Directors' IDs)*
3. Legible Copies of Identification Documents (*IDs/Passports for all the directors*)
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*)
5. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
6. A valid mechanical inspection certificate for each wagon
7. A valid fire certificate for each wagon from the County Government
8. Proof of ownership of each coal wagon or lease agreement with the owner of the wagons
9. A valid driver certificate for each locomotive driver
10. A valid medical surveillance certificate for each locomotive driver from doctors approved by the Directorate of Occupational Safety and Health Services
11. A summary Emergency Response Plan from the applicant; and
12. A valid Single Business Permit for the premises of operation from the respective County Government.

Appendix VII: Requirements for Licence for Production of Energy from Coal

a). New Licence Application requirements

1. CR 12 from the registrar of companies (not older than 1 year)
2. Certificate of Incorporation / Business Registration Certificate
3. Legal Copies of Identification Documents for all Directors
4. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority

5. Valid Work Permits Class “G” for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
6. A valid Single Business Permit for the premises of operation from the respective County Government
7. Proof of ownership of the land the proposed project is to be located (*title deed or a registered lease in the name of applicant*);
8. A valid Environmental Impact Assessment License from NEMA for the project
9. Technical Qualifications of Personnel
10. A valid certificate or report on examination for the facility (*from an inspector certified by the Directorate of Occupational Safety and Health Services*);
11. Audited Financial Accounts for the last 3 years
12. Documentation of how emissions will be controlled as per Environmental Management and Coordination (Air Quality) Regulations, 2014 & KS EAS 1047
13. A valid Fire Clearance Certificate for the facility from the respective County Government
14. A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard
15. Certificate of Compliance with the Physical Planning Act 2019 (*PPA5 or PPA2*);

b). Renewal Licence Application requirements

1. CR 12 from the registrar of companies (not older than 1 year)
2. Legal Copies of Identification Documents for all Directors
3. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
4. Valid Work Permits Class “G” for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee*

given Powers of Attorney by a foreign director should provide a copy of their identification document)

5. A valid Single Business Permit for the premises of operation from the respective County Government
6. Proof of ownership of the land the proposed project is to be located (*title deed or a registered lease in the name of applicant*)
7. A valid Environmental Impact Assessment License from NEMA for the project
8. Technical Qualifications of Personnel
9. A valid certificate or report on examination for the facility (*from an inspector certified by the Directorate of Occupational Safety and Health Services*)
10. Audited Financial Accounts for the last 3 years
11. Documentation of how emissions will be controlled as per Environmental Management and Coordination (Air Quality) Regulations, 2014 & KS EAS 1047
12. A valid Fire Clearance Certificate for the facility from the respective County Government
13. A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard
14. Certificate of Compliance with the Physical Planning Act 2019 (*PPA5 or PPA2*)

Appendix VIII: Requirements for application of a licence for generation of electricity from coal, coal bed methane and derivatives.

a). New Licence Application requirements

1. CR 12 from the registrar of companies (not older than 1 year)
2. Certificate of Incorporation / Business Registration Certificate
3. Legal Copies of Identification Documents for all Directors
4. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
5. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);
6. A valid Single Business Permit for the premises of operation from the respective County Government
7. Proof of ownership of the land the proposed project is to be located (*title deed or a registered lease in the name of applicant*)
8. A valid Environmental Impact Assessment License from NEMA for the project
9. A valid certificate or report on examination for the facility (*from an inspector certified by the Directorate of Occupational Safety and Health Services*)
10. Documentation of how emissions will be controlled as per Environmental Management and Coordination (Air Quality) Regulations, 2014 & KS EAS 1047
11. A valid Fire Clearance Certificate for the facility from the respective County Government
12. A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard
13. Certificate of Compliance with the Physical Planning Act 2019 (*PPA5 or PPA2*)
14. Mechanical engineer's drawings specifying materials and design/ operational limitations (P&ID, LPG tank(s) construction, filling facility, pressure relief valves, water draw off fittings).
15. Civil engineer's drawings all civil works including drainage, tank saddle, hard standing surfaces, internal service roads, structures etc.).

Appendix IX: Requirements for Import, Export and Sale of Coal/ coalbed methane Licence

a). New Licence Application requirements

1. Certificate of Incorporation / Business Registration Certificate
2. 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)
3. Legible Copies of Identification Documents (IDs/Passports for all the directors)
4. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*)
5. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority
6. A valid Single Business Permit for the premises of operation from the respective County Government
7. Proof of access to a licensed coal/ coalbed methane storage facility through submitting a scan of either:
 - a. A valid Licence for a coal / coalbed methane storage facility in the name of applicant or a valid long-term lease (*minimum 5 years*) with an operator of a licensed coal storage facility; or
 - b. A valid hospitality agreement with an operator of a licensed coal/coalbed methane storage facility.

b). Renewal Licence Application requirements

1. 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);
2. Legible Copies of Identification Documents (IDs/Passports for all the directors);
3. Valid Work Permits Class "G" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*);

4. A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
5. A valid Single Business Permit for the premises of operation from the respective County Government
6. Proof of access to a licensed coal storage facility through submitting a scan of either:
 - a. A valid Licence for a coal/coalbed methane storage facility in the name of applicant or a valid long-term lease (*minimum 5 years*) with an operator of a licensed coal storage facility; or
 - b. A valid hospitality agreement with an operator of a licensed coal/coalbed methane storage facility.

Appendix X: Requirements for Non-Exclusive Exploration Permit Application

The applicant for non-exclusive exploration permit shall;

1. Submit CR12 from the Registrar of Companies (should not be older than 1 year at the time of application submission). Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs).
2. Certificate of Incorporation / Business Registration Certificate (for the transferee);
3. Legible Copies of Identification Documents (IDs/Passports for all the directors);
4. Valid Work Permits Class "G and D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);

Appendix XI: Specific Survey Approval Requirements

1. Submit CR12 from the Registrar of Companies (should not be older than 1 year at the time of application submission). Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs).
2. Certificate of Incorporation / Business Registration Certificate (for the transferee);
3. Legible Copies of Identification Documents (IDs/Passports for all the directors);

4. Valid Work Permits Class “G and D” for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
5. The permit holder shall provide evidence of consent or rights with landowners or affected communities.
6. Updated financial guarantee to cover any potential environmental or operational liabilities arising from the survey activities.
7. Documentation confirming compliance with the terms and conditions of the non-exclusive exploration permit, including payment of fees, submission of prior reports, etc.

Appendix XII: Requirements Drilling Permit Application

1. Engineer’s drawings specifying materials and design/ operational limitations (Site layout design, above-ground installations(s), water fittings, dust suppression systems, ventilations as applicable) etc.
2. A summary Emergency Response Plan from the applicant;
3. Technical Qualifications of Personnel
4. NEMA permit to undertake the drilling
5. Documentation of how emissions will be controlled as per Environmental Management and Coordination (Air Quality) Regulations, 2014 & KS EAS 1047; water effluent discharge plan and emergency response plan
6. A copy of the exploration or production permits issued by the Authority
7. Details on the well plan, including details on well identification, location, activities, design philosophy, timelines, risk mitigation, chemical usage, fluid management, legal and regulatory compliance, drilling specifics, contractor details, and applicable standards etc.

FIFTH SCHEDULE (r. 19(3), 26(3), 31(2))

FEEES AND CHARGES

Description	New Application (KSh.)	Renewal Application (KSh.)	Amendment Application (KSh.)	Replacement (KSh.)	Standard Charge KSh.
Permit for construction (storage and common user facilities)	5,000	2,000	1,000	3,000	N/A
Permit for transportation of coal	5,000	2,000	1,000	3,000	N/A
Licence for import, export and bulk sale of coal	10,000	5,000	1,000	3,000	N/A
Licence for production of energy	10,000	5,000	1,000	3,000	N/A
Licence to operate of common user facilities licence	10,000	5,000	1,000	3,000	N/A

Inspection of licences and permits register	N/A	N/A	N/A	N/A	1,000
Access to common user facility	Section 111(1)				

SIXTH SCHEDULE (r.21)

FORM OF PERMIT OR LICENCE

A. COAL/COALBED METHANE STORAGE/VALUE ADDITION/COMMON-USER
CONSTRUCTION PERMIT

The Energy Act 2019



COAL/COALBED METHANE STORAGE FACILITY CONSTRUCTION PERMIT

No. EPRA/PG/C _____

Construction permit is hereby granted to _____ of P.O. Box

to construct a coal storage/value addition/processing facility:

Type of facility

On premise situated at:

Plot No. : _____

Building : _____

Street/Market : _____

Town/County : _____

Max Capacity

This Licence expires on : _____

Dated this:

Signature

Director General

Conditions:

1. As per Section 94 (2b), 95 (2a), and 96(1) of the Energy Act, 2019.

B. COAL/COALBED METHANE BUSINESS LICENCE

The Energy Act 2019



COAL/COALBED METHANE BUSINESS LICENCE

No. EPRA/PET/C _____

Licence is hereby granted to _____ of P.O. Box _____

to carry the following coal business activities:

Type of coal/coalbed methane business name

On premise situated at:

Plot No. : _____

Building : _____

Street/Market : _____

Town/County : _____

This licence expires on : _____

Dated this: _____

Signature _____

Director General

Conditions:

1. As per Section 94 (2b), 95 (2a), and 96(1) of the Energy Act, 2019.

C. TRUCK DRIVER CERTIFICATE

FORM 3

The Energy Act, 2019



COAL DRIVER CERTIFICATE



Class: Number _____

Name: _____

National ID No.: _____

KRA PIN NO.: _____

This Certificate authorizes the Holder to drive a Coal Truck

Date of Issue: _____

**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

D. SURVEY APPROVAL



SURVEY APPROVAL PERMIT

Energy Act, 2019

Survey Approval Number.....

This survey approval is hereby issued under the Energy Act, 2019 exclusively to the named applicant to conduct the survey (-s) as follows:

Applicant name: _____

Address: (full corporate address) _____

Phone number: _____

Email address: _____

Type and purpose of survey: (description of the survey): _____

Area to be covered by survey: (description of the area or distance of survey): _____

Expiry date: (dd-mm-yyyy of first expiry date): _____

Renewal: (dd-mm-yyyy of new expiry date in case of renewal): _____

Terms and conditions:

1. The applicant or a person conducting a survey on behalf of the applicant shall—

- a) commence work within____(____) months from issuance of this approval, unless when an unforeseen circumstance arises;
- b) inform the Authority about an unforeseen circumstance that can delay the start of works and may request an extension to the period of_(____) months mentioned above;
- c) execute survey works under submitted survey program and not deviate from its approval except for during an emergency;
- d) comply with all applicable laws and regulations and best industry practices;
- e) procure and maintain an adequate insurance cover;
- f) provide data, reports and information in compliance with the Energy Act, 2019
- g) Submit the amended survey programme, where an applicant intends to deviate from the approved program.

h) other terms and conditions _____

2. This approval is valid for _____ (_____) _____ and may not be altered, revised, or modified, except with the consent of the Applicant and the Authority.

Date of issuance: (dd-mm-yyyy of issuance)

Signature and stamp: (Authority's representative)

E. FORM OF NON-EXCLUSIVE EXPLORATION PERMIT

Non-Exclusive Exploration Permit No.....

Non-Exclusive Exploration Permit

Under the conditions set out Energy Act 2019 and in this Non-Exclusive Permit, the Authority hereby grant to _____, a corporation duly organized and existing under the laws of _____ and registered at _____, (“permit-holder”) this Non-Exclusive Exploration Permit.

This Non-Exclusive Exploration Permit allows the permit-holder a non-exclusive right to conduct the activities with respect to the non-exclusive exploration area described in the attached Rights.

The permit-holder shall conduct activities in accordance with the provisions of the Act, any relevant regulations, any conditions attached to the permit and the terms and conditions of any Rights, which forms an integral part of this Permit.

This Non-Exclusive Exploration Permit commences from _____ for a term of [_____] years [subject to renewal]

Dated this _____ day of _____, 20__

Signed _____

Name _____

Position _____

See mandatory conditions of this permit overleaf

F. PERMIT TO DRILL A COAL OR COAL BED METHANE WELL

Permit No. EPRA/Coalbed Methane /PP_



THE ENERGY ACT, 2019 (Cap. 314)

COAL OR COAL BED METHANE DRILLING PERMIT

Permit is hereby granted to _____ *P.O. Box* _____ to carry out the following Coal or Coal Bed Methane operation;

PERMIT NAME

On premise situated at:

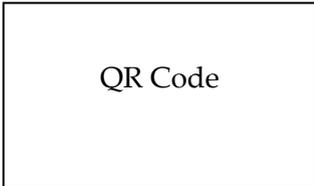
Plot No. : _____

County : _____

This permit expires on : _____
(if no drilling has started)

Issue Date:

.....



QR Code

Signature :

*Director General
Energy and Petroleum Regulatory Authority*

See mandatory conditions of this permit overleaf