

LEGAL NOTICE NO.

THE PETROLEUM ACT, 2019

CAP. 308

IN EXERCISE of the powers conferred by sections 101 and 126 of the Petroleum Act (Cap. 308), the Cabinet Secretary for Energy and Petroleum on recommendation of the Authority, makes the following Regulations—

**THE PETROLEUM (MIDSTREAM CRUDE OIL AND NATURAL GAS
TRANSPORT AND STORAGE OPERATIONS) REGULATIONS, 2026**

PART I – Preliminary

Citation	1. These Regulations may be cited as the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 2026.
Interpretation	2. In these Regulations, unless the context otherwise requires— “Act” means the Petroleum Act (Cap. 308) “Authority” means the Energy and Petroleum Regulatory Authority (EPRA) established under Section 9 of the Energy Act (Cap. 314); “Common User” means a person who receives an approval from the Authority to enter into a transportation or storage agreement with a Licensee to utilise a common user facility; “emergency response plan” means specific written procedures to respond to an actual or imminent event, outside the scope of normal operations, that requires prompt and coordinated actions and resources to protect the health, safety or welfare of people or to limit damage to property or the environment; “midstream petroleum operations” means all or any of the operations related to petroleum transportation, storage, refining operations, or natural gas processing operations that are related to multiple development areas, including operations for the liquefaction of natural gas; “Licensee” means a person who is granted a licence from the Authority to operate a storage facility or a pipeline; “pipeline” means a pipe or system of pipes that is used or to be used for the transportation of petroleum and any apparatus and works associated therewith, including— - apparatus for inducing or facilitating the flow of petroleum through the pipe or system of pipes; - valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the pipe or system of pipes; - apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (b) or of such works as are mentioned in paragraph (b); - apparatus for the transmission of information for the operation of the pipe or system of pipes; - apparatus for affording cathodic protection to the pipe or system of pipes; or - a structure for the exclusive support of a part of the pipe or system of pipes; “reconnaissance” means preliminary assessment and observation of an area, site, or route to gather data and information for carrying out further assessment of the technical and economic feasibility of a midstream project, but does not include front-end engineering and design; and

“storage facility” means a midstream facility consisting of one or more tanks or vessels for storing crude oil or natural gas and shall include associated infrastructure.

Application

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

- (a) Transport of crude oil and natural gas by pipeline, road, rail, or water; and
- (b) Design, construction, operation, maintenance and decommissioning of crude oil and natural gas storage facility and pipeline in Kenya.

PART II – Functions of the Cabinet Secretary and The Authority

Functions of the Cabinet Secretary

4.(1) The Cabinet Secretary shall, without limitation, be responsible for the issuance of clearance for reconnaissance studies relating to pipeline projects that affect matters of national interest, including international boundaries, transboundary water bodies and national security sites.

(2) An application under sub-regulation (1) shall be in the form prescribed in Schedule 1 and shall—

- (a) specify the name and address of the person and the contact details of its representative, along with the contact details of its authorised representative;
- (b) be accompanied by the person’s registration certificate and tax information;
- (c) be accompanied company profile accompanied by a general description of the person’s businesses activities in Kenya and internationally;
- (d) evidence of legal, technical, financial and professional capacity of the person to undertake the project;
- (e) be accompanied by an organizational structure illustrating the ownership structure of the person;
- (f) be accompanied by an overall description of the project, its proposed location or route layout, and an indicative timeline;
- (g) specify the volume of crude oil or natural gas intended for transportation or storage; and
- (h) indicate the estimated investment value of the project.

(3)The clearance in sub-regulation (1) shall be obtained before seeking approval from the Authority in regulation 5.

(4)The Cabinet Secretary shall prior to giving clearance under sub-regulation (1) above, consult with the relevant authorities responsible for such matters of national interest.

Functions of the Authority

5. (1) The Authority shall, without limitation, be responsible for

- (a) Approval of reconnaissance studies;
- (b) In relation to crude oil and natural gas, the issuance, administration and management of—
 - i. Permits for construction of a storage facility or pipeline;
 - ii. Licences for the operation of a storage facility or commissioned pipeline;
 - iii. Licences for the crude oil transportation by road, tanker permit and driver certificate;
 - iv. Licences to transport by rail;
 - v. Licences to transport by water; and
 - vi. Approvals to any person as required by these Regulations.

(2)The Authority shall make a determination on an application under these Regulations within the timeline specified in Sections 73 and 86 of the Act.

PART III – Reconnaissance Approval

Reconnaissance

6.(1) A person who wishes to carry out reconnaissance studies, shall seek approval from the Authority in the form prescribed in Schedule 1 and by paying the fees prescribed in Schedule 6.

(2) The reconnaissance in sub regulation (1) shall be carried out prior to selecting a storage facility site or pipeline route and shall take into account—

- (a) geotechnical, topographical, hydrological, meteorological, social-economic, environmental, health and safety factors during installation and operation of the storage facility or pipeline;
- (b) a map illustrating the location of key features of the storage facility or pipeline and alternative sites or routes;
- (c) With respect to a project under sub-regulation 4 (1), a clearance from the Cabinet Secretary; and
- (d) with respect to an offshore storage facility or pipeline, the reconnaissance shall also include —
 - i. seabed mapping;
 - ii. list of shipping lanes, anchorage areas, infrastructure, aquatic life and blue economy sectors impacted by the storage facility or pipeline; and
 - iii. a route survey including the nearshore and landfall sections of the pipeline

(3) Upon completion of the reconnaissance, the person shall submit to the Authority a report detailing the findings, together with all data and information collected.

(4) The Authority shall, within thirty days from the date of submission under sub-regulation (3), consider and make a determination on the reconnaissance.

(5) A person shall not alter or deviate from the approved storage facility site or pipeline route without the approval of the Authority.

(6) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

PART IV – Access to Land, Wayleaves, Right of Way and Easement.

Access to Land

7. (1) Any person undertaking midstream petroleum operations in accordance with these Regulations shall access any land to undertake such operations in accordance with the Act and other relevant laws.

(2) A person wishing to access land shall obtain written consent from the landowner in the format shown in Schedule 1(b).

(3) A person shall not carry out storage or pipeline operations without the requisite approvals.

(4) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

Preservation of the wayleaves, easements

8. (1) A person shall not hinder, obstruct or interfere with any right of entry upon land lawfully conferred to a permit holder or licensee, or by their authorised representative for the purpose of laying, connecting, repairing, inspecting or removing, any part of a storage facility or pipeline.

(2) Any person constructing or operating a storage facility or pipeline shall specify and make known to the general public the distances allowed for the following activities in relation to a wayleave, right of way or easement:

- (a) maximum depth for the disturbance of earth within the wayleave;
- (b) depth of undertaking ploughing activities and specifying crops that may be grown in the wayleave;

- (c) minimum excavation distance from the centre of the wayleave for foundations or piling; and
 - (d) maximum load of any mobile vehicle or machinery that may pass over a pipeline whether or not it is in the wayleave or a public road crossing a wayleave.
- (3) A person other than the permit holder or licensee who wishes to carry out excavation in a wayleave, right of way or easement shall seek consent in writing from the permit holder or licensee.
- (4) Where consent in sub-regulation (3) is given, the permit holder or licensee shall locate and mark the pipeline with clearly distinguishable warning signs and markers, except where —
- (a) the ground disturbance is outside the pipeline right of way; and
 - (b) the pipeline right of way is visible or separated by a fence, road or railway.
- (5) A person who receives a consent under sub-regulation (4) shall—
- (a) take all precautions reasonably necessary before and during the ground disturbance;
 - (b) locate and mark the pipeline with clearly distinguishable warning signs and markers, except where—
 - (i) the ground disturbance is outside the pipeline right of way; and
 - (ii) the pipeline right of way is visible or separated by a fence, road or railway;
 - (c) inform the permit holder or licensee at least seven (7) days before the ground disturbance about its intention to disturb the ground.
- (6) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

PART V – Construction, Commissioning and Operation of a Storage Facility or Pipeline

Application for a Construction permit for Storage Facility or Pipeline	9. (1) A person intending to construct a storage facility or pipeline shall, prior to commencing such works, apply to the Authority for a construction permit. (2) An application under sub-regulation (1) shall be submitted in the form prescribed in the Schedule 2(a) and shall be accompanied by a list of documents listed in the Schedule 2(b). (3) The application in sub-regulation (2) shall be accompanied by the fee prescribed in Schedule 6. (4) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.
Determination of an Application for a Construction Permit	10. (1) The Authority shall, within forty-five days, approve or reject an application submitted under regulation 9 and, within seven days of making a decision, notify the applicant. (2) Where an application has been rejected under sub-regulation 1, the Authority shall specify the reasons.
Form and Validity of a Construction Permit	11. (1) A construction permit for a storage facility or pipeline shall be in the form set out in Schedule 2(c) and shall be valid for a period of five years from the date of issuance. (2) If, after a construction permit has been granted, and 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, the permit shall cease to have effect.

Extension of a Construction Permit for a Storage Facility or Pipeline

- 12.(1) A permit holder may apply to the Authority for an extension of the validity period of its construction permit, at least sixty days prior to its expiry.
- (2) Any cumulative extension of the validity period of a construction permit shall not exceed—
- (a) twelve months where construction work has not commenced; and
 - (b) twenty-four months where construction work has commenced.
- (3) An application for an extension shall be accompanied by—
- (a) updated documentation as required under sub-regulation 9 (2);
 - (b) a justification for the extension; and
 - (c) the applicable fee as prescribed in the Schedule 6.
- (4) The Authority shall, within thirty days, approve or reject an application submitted under this regulation and, within seven days of making a decision, notify the permit holder.
- (5) Where an application has been rejected under sub-regulation 5, the Authority shall specify the reasons.

Standards for a Storage Facility or Pipeline

13. Detailed layout plans and specifications shall be in accordance Kenya standards, or where no such standards exist any international standards approved by the Kenya Bureau of Standards, and best petroleum industry practices.

Design considerations for a Storage Facility or Pipeline

14. (1) The design of a storage facility or pipeline shall take into account—
- (a) the need for future inspection and maintenance;
 - (b) environmental protection, health and safety of workers;
 - (c) protection from washouts, unstable soil, landslide or any other hazards that may cause a storage facility to tilt, or pipeline to shift or, be subjected to abnormal internal and external loads;
 - (d) the installation of mainline block valves—
 - (i) on the pipeline's upstream side of major river crossings;
 - (ii) at pump stations; and
 - (iii) at other sensitive locations of the pipeline, including industrial, commercial and densely populated areas where construction activities may pose particular risks of damage to the pipeline, the right of way of the pipeline shall be clearly marked in those areas with signs for ease of identification.
 - (e) installation of cathodic protection to inhibit external and internal corrosion of a ferrous storage facility or pipeline;
 - (f) any chemicals to which it may be subjected to;
 - (g) the operating conditions of the storage facility or pipeline;
 - (h) the conditions under which petroleum is to be stored or transported;
 - (i) the environment to which the storage facility or pipeline will be subjected;
 - (j) installation of markings and distinguishable warning signs around the perimeter of a storage facility
 - (k) installation of pipeline markers, at rail and road crossings which shall indicate the location of the pipeline, depth, the name and contact details of the licensee; and
 - (l) installation of additional aerial marker and way leave markers every one kilometre and at such closer spacings if there is a bend on the route.

(2) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

Approval of Front-End Engineering and Design (FEED)

15.(1) A permit holder shall, prior to the commencement of construction works, submit the Front-End Engineering and Design (FEED) to the Authority.

(2) The Authority shall, within twenty-one days, approve or reject the Front-End Engineering and Design (FEED) and, within seven days of making a decision, notify the applicant.

(3) Where an application has been rejected under sub-regulation 2, the Authority shall specify the reasons.

(4) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

Construction, Fabrication and Installation of a Storage Facility or Pipeline.

16.(1) A permit holder shall ensure that all components and associated infrastructure forming part of a storage facility or pipeline are constructed, fabricated, and installed in accordance with the conditions of the construction permit, Kenya Standards, or, where no such standards exist, any international standards approved by the Kenya Bureau of Standards, and best petroleum industry practices.

(2) Without limiting the generality of sub-regulation (1), a permit holder shall—

- (a) not deviate from an approved Front-End Engineering and Design (FEED) without prior written approval of the Authority in accordance with these Regulations;
- (b) maintain emergency response procedures as prescribed in these Regulations and any other applicable written laws;
- (c) ensure that any contractor or agent acting on his behalf possesses the necessary competence, skills and qualifications to undertake any construction, fabrication and installation works;
- (d) identify buried cables or pipes lying within thirty (30) metres of a construction site and avoid ground disturbance work or excavation activities within one (1) metre of such cables or pipes;
- (e) where the works involved are in marine or are on navigational routes of any water body, the permit holder shall notify and obtain consent from the Kenya Maritime Authority and comply with any directions subsequently issued;
- (f) affix the markings and distinguishable warning signs required under sub-regulation (14) along the pipeline route;
- (g) affix the markings and distinguishable warning signs around the perimeter of a storage facility;
- (h) fill a natural gas pipeline with inert gas or nitrogen when it has not commenced operation within six (6) months of completion;
- (i) repeat the hydrostatic test required under sub-regulation (6) for any storage facility or pipeline that has not commenced operation within one year of completion; and
- (j) preserve the condition of any non-operating storage facility or pipeline in accordance with the best petroleum industry practices until operations resume or decommissioning begins.

(3) Where required by the Authority, the permit holder shall submit the procedures used during the construction, fabrication and installation of the storage facility or pipeline.

(4) The permit holder shall engage an independent and qualified person to prepare quality control reports verifying that the construction, fabrication and installation have been executed in compliance with these Regulations during the following stages—

- (a) upon completion of critical milestones;
- (b) upon completion of the construction, fabrication, and installation works; and
- (c) any other times specified in the applicable standards and best petroleum industry practices.

(5) The quality control reports prepared under sub-regulation (3) shall be submitted to the Authority for review and approval.

(6) The Authority shall review the reports under sub-regulation (4) within fourteen days and—

- (a) approve the report;
- (b) request for adjustments where deviations from these Regulations are identified; or
- (c) reject the report giving reasons.

(7) Notwithstanding the requirement of sub-regulation (3), the Authority may carry out an independent quality control audit during the construction, fabrication and installation of a storage facility or pipeline.

(8) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

**Notification
Completion
construction,
fabrication
and
installation**

of 17. Upon completion of construction, fabrication, and installation of a storage facility or
of pipeline, the permit holder shall notify the Authority in writing of the completion and shall
and submit the documentation listed below—

- (a) Pre-Commissioning Documentation-
 - (i) Pre-commissioning Procedures and Records; and
 - (ii) Pressure Testing/Hydrotest Records;
- (b) Pipeline Integrity Documentation, namely —
 - (i) as-built drawings (showing finalized route, coordinates, and chainage);
 - (ii) welding reports, Non-Destructive Testing (NDT) results; and
 - (iii) coating inspection records.
- (c) Cathodic Protection (CP) Reports;
- (d) Operational Readiness Documents—
 - (i) commissioning plans;
 - (ii) emergency shutdown plans;
 - (iii) confirmation that all fiscalisation and measurement equipment and systems have been installed, tested, and calibrated to standards approved by the Weights and Measures Department and in line with best petroleum industry practices;
 - (iv) safety policy and Standard Operating Procedures (SOPs) of the permit holder;
 - (v) proof of availability of operating and maintenance manuals, mechanical catalogues, and manufacturer-supplied documentation, appropriately updated post-commissioning;
 - (vi) operator training records;
 - (vii) confirmation of the appointment of a qualified storage facility or pipeline manager;
 - (viii) organisational structure and responsibilities for management staff;
- (e) Final Handover/Commissioning Report;

- (f) A summary document, signed by all parties (contractor, client, operations team) certifying that the pipeline is ready for operation; and
- (g) A report from an independent occupational health and safety and auditor accredited by the Directorate of Occupational Safety and Health Services, appointed by the permit holder;
- (h) Any other information the Authority may require to facilitate effective commissioning of the pipeline system.

Commissioning of a Storage Facility or Pipeline

18.(1) Upon completion of the construction, fabrication and installation of a storage facility or pipeline, the permit holder shall seek approval from the Authority to commission such storage facility or pipeline.

(2) The Authority shall review the reports under regulation 17 within fourteen days and —

- (a) approve the report;
- (b) request for adjustments where deviations from these Regulations are noted; or
- (c) reject the report giving reasons.

(3) The Authority shall, within twenty-one days, approve or reject an application submitted under regulation 9 and, within seven days of making a decision, notify the applicant.

(4) Where an application has been rejected under sub-regulation 1, the Authority shall specify the reasons.

(5) A permit holder shall inform the Authority, of the planned location and commencement date at least seven (7) days in advance, before the commissioning of storage facility or pipeline.

(6) A person who carries out commissioning of a storage facility or pipeline without a valid approval commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Construction Clearance Restoration

Site and

19.(1) A permit holder shall —

- (a) remove all structures and equipment used to construct and commission, but which are not necessary to operate; and
- (b) restore as far as practicable to its original purpose any agricultural land used to construct and commission, but which is not necessary to operate.

(2) A person who fails to clear a site within twelve months of commissioning of a midstream petroleum pipeline or storage construction site commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Pre-licensing inspection of pipelines

of

20.(1) The permit holder shall, on completion of the construction of the storage facility or pipeline, give the Authority not less than fourteen (14) working days written notice of its intention to commence inspection and testing of the pipeline, in the format prescribed by the Authority.

(2) The permit holder shall carry out inspection and testing, which shall include visual tests, non-destructive tests, confirmation that telemetry is functional.

(3) All pipelines shall be tested to a pressure of not greater than 125 percent of the designed pressure.

(4) Unless otherwise approved by the Authority the test medium shall be water.

(5) The maximum test pressure in all cases shall not result in a hoop stress greater than twenty-five percent above the specified maximum yield strength of the pipe material based on its nominal wall thickness.

(6) Valves and fittings on the pipeline shall not, during the test, be subjected to a pressure greater than the manufacturer's test pressure rating.

PART VI – Operating Licence

Operating licence

21.(1) Upon completion of construction or substantial modification of a storage facility or pipeline to the satisfaction of the Authority, the permit holder shall apply in writing to the Authority for the issuance of an operating licence in respect of that storage facility or pipeline.

(2) A person shall not commence, cause or allow the commencement of any commercial operations of a storage facility or pipeline unless an operating licence has been issued by the Authority.

(3) An application under sub-regulation (1) shall be submitted in the form prescribed in the Schedule 3(a), and shall be accompanied by —

- (a) a statement disclosing of the nominal capacity of the storage facility or pipeline and the capacity available to Common Users.
- (b) an environmental liability insurance policy providing cover against pollution damage and clean-up expenses, with limits stipulated in guidelines issued by the Authority and from time to time.
- (c) an organisational structure of the applicant including roles and responsibilities of management personnel;
- (d) a commissioning integrity and quality certificate issued by a qualified independent organisation;
- (e) a decommissioning plan;
- (f) a local content plan for the operational phase, in accordance with section 50 of the Act;
- (g) a proposed tariff and methodology for access by Common Users in accordance with Part VIII of these Regulations; and
- (h) proof of payment of the applicable fee(s) prescribed in Schedule 6.

(4) The Authority may, for the purpose of determining an application made under sub-regulation (1), inspect the completed storage facility or pipeline to verify compliance with the terms and conditions of the construction permit, applicable statutory requirements, and applicable standards.

(5) Where the Authority is satisfied, following the inspection and audit conducted under sub-regulation (4) and upon review of the documents submitted under sub-regulation (3), that the requirements of the Act and these Regulations have been met, it may grant the applicant an operating licence in accordance with section 20(3) of the Act.

(6) Where the Authority is not satisfied after carrying out the inspection and audit under sub-regulation (4) or with the documents submitted by the licensee under sub-regulation (3), it shall direct the permit holder to undertake specified additional works or to submit additional information within fourteen days of —

- a. the date of the inspection or audit under sub-regulation (4) or
- b. from the date of receipt of documentation under sub-regulation (3), as applicable.

(7) Nothing in this regulation shall be construed as requiring an operating licence for the conduct of non-destructive tests or holiday tests undertaken before the completion of construction for purposes of confirming the functionality of the storage facility or pipeline.

(8) The permit holder shall, not later than six months after completion of construction, submit to the Authority two copies of the as-built plans of the storage facility or pipeline prepared to the same scale as that of the plan submitted with the application for the construction permit.

(9) The Authority shall, within thirty (30) days of receipt of a complete application—

- (a) grant an operating licence and set a ceiling tariff, either unconditionally or subject to conditions it deems appropriate; or
- (b) reject the application, providing justification for the decision.

(10) An operating licence shall be valid for a period not exceeding twenty-five (25) years and shall remain subject to compliance assessed through periodic audits as stipulated under regulation 34 and shall be issued in the form prescribed in Schedule 3(b).

(11) A person who operates or allows the operation of a storage facility or pipeline without a valid operating licence commits an offence and, shall upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Renewal of an operating licence

22.(1) A person who intends to renew an operating licence shall submit an application to the Authority not less than sixty (60) days before the date of expiry of the valid operating licence.

(2) The application under sub regulation (1) shall be accompanied by—

- (a) the updated documents as required under sub-regulation 21(3);
- (b) a summary of the integrity management system of the operating asset, including its fit-for-service assessment and remaining useful life;
- (c) information on the operational history of the facility, including details of any incidents;
- (d) environmental audit reports;
- (e) an updated decommissioning plan; and
- (f) a record of any legal disputes involving the licensee in the preceding five (5) years.

(3) An application submitted under sub-regulation (1)(b) shall be accompanied by a fee prescribed set out in Schedule 6.

(4) Where an application for renewal is submitted within the time stipulated under sub-regulation (1), the operating licence shall remain valid until Authority makes a determination on the application.

(5) Where the Authority is satisfied that the Licensee continues to comply with conditions of the licence it may renew the operating license within thirty (30) days of the receipt the application.

(6) Where the Authority rejects an application for renewal, it shall notify the Licensee in writing and shall require the Licensee to cease operations within thirty (30) days of the date of the service of the notification.

(7) A person whose operates a storage facility or pipeline after the expiry of an operating licence, without having applied for renewal, commits an offence and, shall upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Amendment of a Construction Permit or an Operating Licence

23. (1) A person may make an application to the Authority for the amendment of a construction permit or an operating licence.

(2) An application under sub-regulation (1) may be made on any of the following grounds—

- (a) the adjustment of the maximum pipeline and storage capacity;
- (b) the modification of the location of a storage facility or pipeline route;
- (c) the updating of the applicant's particulars, including changes in corporate name or address;
- (d) the undertaking of operational changes that may alter the capacity of the storage facility or pipeline;

- (e) the modification of the storage or pipeline tariffs; or
 - (f) any other change that the Authority considers justifiable.
- (3) An application for amendment of a permit or a licence shall be accompanied by—
- (a) the updated documentation required under sub-regulation 9(2) or sub-regulation 21(3), as the case may be; and
 - (b) the prescribed fee set out in Schedule 6.
- (4) The Authority may, within twenty-one days of receiving an application under sub-regulation (1) approve or reject an application.
- (5) The Authority shall notify the permit holder or licensee of its decision under sub-regulation (4), within seven days of making a decision.
- (6) Where an application is approved under sub-regulation (4), the Authority shall issue an amended permit or amended licence in the form prescribed in Schedule 2(c) or Schedule 3(b) and which shall bear the words “AMMENDED PERMIT” or “AMMENDED LICENCE”, as appropriate.
- (7) Where an application is rejected under sub-regulation (4), the Authority shall provide reasons for rejection.
- (8) The Authority shall retain, in an amended permit or license, the expiry date of the original permit or licence.
- (9) A person who contravenes the provisions of this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Transfer

- 24.(1) A permit holder or Licensee who intends to transfer a construction permit, or operating licence shall, prior to effecting such transfer or divestiture, apply to the Authority for an approval to do so.
- (2) Upon receipt of an application under paragraph (1), the Authority shall evaluate the legal, technical, professional, and financial competence of the proposed transferee to construct and commission or to operate a storage facility or pipeline, as the case may be.
- (3) A proposed transferee under this regulation shall, before the transfer is approved, undertake to comply with the terms and conditions of the original licence or permit issued under these Regulations.
- (4) The Authority may, in accordance with the Insolvency Act (Cap. 53), approve the transfer of a permit or licence held by a permit holder, or licensee who is in liquidation.
- (5) The Authority may refuse to approve the transfer of a permit or licence and the reasons thereof shall be given to the applicant within twenty-one days of making such a decision.
- (6) Where the Authority rejects an application for a transfer, it shall notify the permit holder or licensee, stating the reasons for the rejection, within fourteen (14) days of making the decision.
- (7) A person who contravenes the provisions of this Regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Suspension and revocation

- 25.(1) The Authority may suspend a construction permit or an operating licence where—
- (a) the Authority determines that the permit holder or licence is operating in breach of –
 - (i) the terms and conditions of its permit or licence;
 - (ii) any provisions of these Regulations; or
 - (iii) any provisions of the Act;

and such suspension shall be without prejudice to the permit holder or licensee's obligation of the permit holder or licensee to remedy the breach and to any liability arising therefrom; or

- (b) the permit holder or licensee is in liquidation under the Insolvency Act (Cap. 53).

(2) Where the Authority intends to suspend a permit or licence it shall notify the permit holder, or licensee, in writing, of its intention to do so.

(3) A notice issued under sub-regulation (2) shall be issued in accordance with section 81 of the Act and it shall—

- (a) specify—
 - (i) the term, condition or statutory provision alleged to have been breached; and
 - (ii) the grounds upon which the Authority has reached its findings.
- (b) be served at the address stated in its permit or licence;
- (c) take effect on the date of service; and
- (d) require the permit holder or licensee to submit a written response within fourteen (14) days from the date of service.

(4) The Authority shall—

- (a) consider the response submitted under sub-regulation (3)(d) and make a final determination within thirty days of receipt thereof; and
- (b) publish its determination in the Kenya Gazette.

(5) A suspension imposed pursuant to sub-regulation (1) shall take effect twenty-one (21) days after publication of the decision in the Kenya Gazette.

(6) The Authority may reinstate a permit or licence suspended under this regulation where the Authority is satisfied that the circumstances giving rise to the suspension cease to exist.

(7) The Authority may revoke a construction permit or an operating licence where the permit holder or licensee —

- (a) fails to cure a breach within ninety (90) days after a suspension under sub-regulation (1)(a) becomes effective;
- (b) is placed in liquidation under the Insolvency Act (Cap. 53).
- (c) fails to apply for a transfer of its suspended permit or licence before the conclusion of its liquidation process;
- (d) fails to commence works within twenty-four (24) months from the date of issuance of a construction permit;
- (e) fails to commence operations within six (6) months from the date of issuance of an operating licence; or
- (f) fails to apply for an extension of time for commencement of works or operations where an unforeseen circumstance has arisen within the applicable period.

(8) Where the Authority intends to revoke a permit or licence under sub-regulation (7), the Authority shall issue a notice of intention to revoke to the permit holder or licensee.

(9) A revocation notice issued under sub-regulation (8) shall be issued in accordance with section 81 of the Act and shall—

- (a) specify the terms and conditions alleged to have been breached;
- (b) be served address stated in the permit or licence;
- (c) take effect on the date of service; and

- (d) require the permit holder or licensee to submit a written response within fourteen days of service.

(10) The Authority shall—

- (a) conduct a hearing within thirty days of receipt of the written submission made under sub-regulation (9)(d).
- (b) reach a final determination within sixty (60) days of receipt of the written submissions; and
- (c) publish in the *Kenya Gazette* a summary of its decision to revoke the permit or licence.

(11) A revocation under this regulation shall take effect twenty-one (21) days after publication of the decision in the *Kenya Gazette*.

(12) A revocation under this regulation shall be without prejudice to any rights or obligations accrued by a permit holder or licensee under the Act or any other written law prior to revocation.

**Display
replacement**

and 26.(1) A permit holder or licensee shall display, at its head office in Kenya, the original construction permit or operating licence, and shall display certified copies of the same at all its branch offices.

(2) A permit holder or licensee may, in the event of loss or damage to a permit or licence, apply to the Authority for the issuance of a replacement.

(3) An application made under sub-regulation (2) shall be accompanied by the fee prescribed in Schedule 6.

(4) A permit holder or licensee who contravenes sub-regulation (1) commits an offence.

(5) A Common User shall state, in the recitals of its transportation or storage agreement, the licence issued to it by the Authority.

(6) The date of the licence referred to in sub-regulation (5) shall be entered in the execution version of the agreement prior to signing.

(7) A person who fails to display a permit or licence at the premises as required under this regulation commits an offence, and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both, for each day during which the permit or licence is not displayed.

**Operation
maintenance**

and 27.(1) A permit holder shall maintain financial, technical, and professional capacity throughout the length of the permit.

(2) Operation shall be deemed to commence upon the introduction of crude oil or natural gas into a pipeline or a storage facility and the establishment of conditions necessary for its transport or storage.

(3) The Licensee may, after commencing operations, make such adjustments as may be necessary to optimise the performance of the storage facility or pipeline and to prepare it for a performance test, as the case may be.

(4) A performance test shall be conducted in accordance with the Act, these Regulations, and best petroleum industry practices, and shall assess the compliance of the storage facility or pipeline, under normal operating conditions, with standards acceptable to the Authority.

(5) A licensee shall —

- (a) submit to the Authority a report of the results of each performance test;
- (b) prepare and maintain manuals containing procedures relating to—
 - (i) operation and integrity management;
 - (ii) emergency response procedures, as prescribed by the EMC Act;

- (iii) risk assessment and risk management, as prescribed by the EMC Act; and
 - (iv) hazard identification (HAZID) and hazard and operability (HAZOP) studies.
 - (c) update and amend the manuals under sub-regulation (5)(b) as necessary;
 - (d) submit to the Authority, upon request, copies of the manuals;
 - (e) demonstrate to the Authority, upon request, compliance with procedures contained in the manuals;
 - (f) operate the storage facility or pipeline continuously, except in an emergency or with the written approval of the Authority;
 - (g) notify the Authority—
 - (i) within forty-eight (48) hours of any emergency, stating its nature and the affected section of the storage facility or pipeline;
 - (ii) of the progress of any emergency works and measures; and
 - (iii) of the completion of emergency works and submit, within thirty days, a detailed report of the works undertaken.
 - (h) submit to the Authority, at the commencement of operations and annually thereafter, a maintenance plan for the storage facility or pipeline together with a report of maintenance activities carried out during the preceding year, if any; and
 - (i) inform the Authority of any condition or time limitation relating to any interruption of operations, including interruptions for maintenance and repair.
- (6) A person who contravenes this regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or to imprisonment for a term not exceeding two years, or to both.

Corrosion protection

- 28.(1) A permit holder shall install such corrosion protection measures as are necessary, which may include cathodic protection or sacrificial anodes, as advised by a competent person.
- (2) The corrosion protection measures installed under sub-regulation (1) shall comply with the approved standards and best petroleum industry practices.
- (3) A corrosion protection system shall be—
- (a) installed not later than one year after the laying of the pipeline and in a manner that preserves the integrity of the pipe coating at the point of installation;
 - (b) electrically isolated at all inter-connections with other pipeline systems or structures, except where such systems or structures are mutually protected by the same corrosion protection system; and
 - (c) protected against damage arising from atmospheric electrical discharges, underground cables or, power lines.
- (4) Except in the case of underwater pipelines, a permit holder shall install sufficient test leads at test stations along buried pipelines to enable periodic electrical measurements for assessing the effectiveness of the cathodic protection system.
- (5) A person who contravenes the provisions of this regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Monitoring of internal corrosion

- 29.(1) A licensee shall ensure the control of internal corrosion in a pipeline, and for that purpose—

- (a) no corrosive material shall be transported through a pipeline unless adequate measures have been taken to mitigate the corrosive effect of such material on the internal surface of the pipeline;
- (b) internal corrosion shall be prevented by—
 - (i) frequent pigging, inhibiting, or scraping; or
 - (ii) the application of internal coating prior to the laying of the pipeline.
- (2) Where measures under regulation (1)(b), are applied —
 - (a) in the case of inhibition, sufficient coupon holders shall be installed; and
 - (b) in the case of internal coating, the coating materials and process shall comply with industry standards approved by the Authority.
- (3) A licensee shall monitor internal corrosion periodically by running an intelligent pig or other internal survey instrument through the pipeline at intervals not exceeding five years.
- (4) A licensee shall submit to the Authority a report of each monitoring survey undertaken under sub-regulation (3).
- (5) A person who contravenes the provisions of this Regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Measurement

- 30.(1) A licensee shall—
 - (a) continuously measure, by metering, the volume of crude oil and natural gas transported in its pipeline or stored in its facility;
 - (b) where continuous metering is interrupted, determine the relevant volumes by periodic testing or by estimates based on best petroleum industry practice; and
 - (c) comply with metering guidelines issued from time to time by the Authority in consultation with the Department of the Weights and Measures.
- (2) The operator of a storage facility or pipeline shall ensure that the leak detection system is working at all times.
- (3) The operator shall bear the costs petroleum lost through leakage.
- (4) A metering system, used for trade shall comply with the provisions of Weights and Measures Act in relation to verification, inspection and calibration prior to, and during, operation.
- (5) A person who contravenes this regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding five years, or to both.

Prohibition of construction in an area adjacent to pipelines.

- 31.(1) A person shall not undertake any activity within an area adjacent to a pipeline system without the prior written consent of the Authority, in consultation with the licensee.
- (2) The consent referred to in sub-regulation (1) above shall be issued by the Authority in consultation with the licensee.
- (3) A person who intends to undertake an activity referred to under sub-regulation (1), shall submit a written application to the Authority for approval.
- (4) The Authority may refuse to grant consent, and where consent is granted, it may be made subject to such conditions as deemed necessary by the Authority.
- (5) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

**Maintenance and
Emergency Works**

32.(1) A construction permit and an operating licence shall be subject to the terms and conditions as may be prescribed by the Authority and shall include provisions on routine maintenance and emergency works.

(2) A permit holder or Licensee may carry out significant works that would require a construction permit if the works are for the purposes of averting danger to persons or preventing damage to the environment.

(3) Upon completing emergency works in sub-regulation (2), the permit-holder or licensee shall, within thirty (30) days, notify the Authority in writing, giving particulars of the works undertaken.

(4) Upon receipt of the Application in sub-regulation (3), the Authority may approve within thirty (30) days with or without modifications.

(5) A person who contravenes this regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

**Approval where
there is change in
operating conditions**

33.(1) Where there is a material change in the specifications of crude oil or natural gas to be transported or stored, the Authority may require the permit holder or licensee to undertake a re-assessment to determine the continued suitability and integrity of the storage facility or pipeline.

(2) A permit holder or licensee shall apply in writing to the Authority for approval prior to implementing any proposed alteration to the operating conditions of a storage facility or pipeline, including modifications to the corrosion protection system storage facility or pipeline or any other change that may affect corrosion rates, design life, or the structural or operational integrity of the storage facility or pipeline.

(3) The Authority shall, within twenty-one days of receipt of an application submitted under sub-regulation (1), approve or reject the application and shall notify the permit holder or licensee of its decision in writing within seven days of making that decision.

(4) Where the Authority rejects an application made under sub-regulation (2), the Authority shall specify the reasons for the rejection.

(5) Upon completion of any construction, fabrication and installation or substantial modification of a storage facility or pipeline, the permit holder or licensee shall notify the Authority in writing, of the completion and shall append the documentation set out in sub-regulation 9(2) and 21(3).

**Periodical audits of
midstream pipeline
or storage facility
management system**

34.(1) The Authority may, audit either on its own or through a nominated specialised auditor appointed for that purpose, conduct an independent audit to verify that the permit holder's or licensee's management system continues to comply with prescribed requirements.

(2) An audit under this regulation may be carried out—

- (a) within ninety days following the end of every three-year cycle from the date of issuance of the operating licence; or
- (b) at such other intervals of lesser frequency as the Director General of the Authority may, in writing, approve for a particular licensee.

(3) The Audit report shall state whether—

- (a) all measures under the permit holder's or licensee's management system remain in place and are effective—
 - (i) to prevent the occurrence of hazardous events; and
 - (ii) to safeguard operating personnel, plant, equipment, the community, and the environment where such events occur.
- (b) there are adequately trained and properly equipped personnel available to continue implementing the management system; and
- (c) the management system remains adequate and appropriate, taking into account any changes affecting the integrity or reliability of the storage facility

or pipeline since the previous audit certificate was issued, including changes to—

- (i) the storage facility or pipeline, including its apparatus or works;
- (ii) the method of operation of the storage facility or pipeline; or
- (iii) the operating, control, or monitoring systems of the storage facility or pipeline.

(4) A licensee who receives an audit report shall, within thirty days of such receipt, submit to the Authority a corrective action plan addressing any deficiencies identified in the report.

(5) The Authority shall review a corrective action plan in sub-regulation (4) and may—

- (a) approve the plan for implementation; or
- (b) issue directions requiring amendments to the plan; or
- (c) reject the plan and require that the permit holder or licensee to submit a revised corrective action plan.

(6) A person who contravenes this regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

PART VII – Decommissioning of Midstream Petroleum Facilities

Decommissioning

35.(1) A licensee who intends to decommission a pipeline or a storage facility, in whole or in part, shall notify the Cabinet Secretary and the Authority, in writing, of that intention not less than six (6) months before permanently ceasing operations.

(2) A notification under sub-regulation (1) shall include—

- (a) the proposed decommissioning method and plan;
- (b) a description of the components proposed for removal or to be left in place;
- (c) the estimated volume of crude oil or natural gas left in place, if any; and
- (d) the proposed disposal methods, which shall comply with the Act, all applicable environmental safety and health laws and the regulations.

(3) A licensee shall not commence decommissioning operations unless written approval has been granted by the Authority.

(4) Upon receiving approval under sub-regulation (3), the licensee shall—

- (a) notify—
 - (i) all landowners, lessees, and occupiers of the right of way of an onshore pipeline;
 - (ii) residents within 0.5 kilometers of equipment, ancillary installations and infrastructures related to an onshore pipeline;
 - (iii) residents within 0.5 kilometers of a storage facility; and
 - (iv) the Kenya Maritime Authority, in the case of an offshore pipeline;
 - (v) the National Environmental Management Authority.
- (b) publish a sixty (60) day notice in the Kenya Gazette and in at least two (2) newspapers for national circulation.

(5) unless otherwise directed by the Authority, decommissioning shall include—

- (i) removal of surface equipment;
 - (ii) isolation or disconnection of a storage facility or pipeline from any other operating pipeline or storage facility;
-

- (iii) purging of pipelines or tanks with fresh water, air or inert gas, without introducing chemicals or corrosion inhibitors during purging;
- (iv) cutting off buried pipelines at the pipeline level;
- (v) removal of cathodic protection systems;
- (vi) plugging or capping all open pipeline ends;
- (vii) identification of all pipeline-ends with tags indicating the licensee's name, the corresponding end points, the date of abandonment, and any remaining substances;
- (viii) permanent maintenance and identification the right-of-way of an abandoned pipeline that is left in place; and
- (ix) restoration, as far as practicable, of the right-of-way and any disturbed areas.

(6) Upon completion of decommissioning activities, the licensee shall file a decommissioning report with the Authority detailing—

- (a) the decommissioning process undertaken;
- (b) the current status of the decommissioned site; and
- (c) any long-term mitigation measures required under the Act, applicable environment, safety and health laws and regulations.

Decommissioning Fund

36. (1) A licensee shall establish and maintain a decommissioning fund for the storage facility or pipeline and shall fund it throughout the project life cycle.

(2) The licensee shall submit the estimated decommissioning cost to the Authority for approval. Upon approval, the Authority shall incorporate the cost into the applicable storage or pipeline ceiling tariff.

(3) The decommissioning fund shall be deposited into an interest-bearing escrow account administered jointly by the Cabinet Secretary and the licensee. Annual contributions to the fund shall commence on the first anniversary of the project life cycle.

(4) Withdrawals from the fund shall be made only to meet expenses incurred in carrying out activities approved in the decommissioning plan. Where the fund is insufficient, the licensee and, where applicable, the owner of the storage facility or pipeline shall meet any additional costs.

(5) Any remaining balance in the fund after full implementation of the decommissioning plan shall be transferred to the Consolidated Petroleum Fund established under section 107 of the Act.

Oversight and Compliance of Decommissioning Operations

37. (1) Decommissioning operations shall be supervised by a committee consisting of representatives of the Cabinet Secretary, the Authority, the National Environment Management Authority, and the licensee.

(2) The Authority shall conduct periodic audits of activities approved in the decommissioning plan to ensure compliance with the decommissioning plan.

(2) (3) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

Requirements relating to personnel qualifications.

38. (1) A permit holder or licensee shall ensure that all its employees and any other person engaged in any midstream petroleum operations possess the qualifications, competence, and skills necessary for the performance of work they are required to perform.

A permit holder or licensee shall maintain up-to-date records of all its employees and any other persons involved in midstream petroleum operation, including their respective qualifications, and shall make such records available to the Authority for inspection upon request.

The licensee shall stipulate and document minimum qualification requirements for job categories of significance to safety.

A person who contravenes this regulation commits an offence and, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

PART VIII – Common User Facilities and Third-Party Access

Access to common user facilities

(3)

39.(1) A licensee who intends to access a common user facility shall enter into an agreement with the operator of that facility.

The Agreement under sub-regulation (1) shall contain, at a minimum, the items specified in Schedule 5.

(2)

An operator of a common user facility shall provide open access to its facility and apply tariffs that are equal to or lower than the ceiling tariff set by the Authority, provided that the licensee—

(3)

- (a) notifies the operator and requests access to spare capacity available in its storage facility or pipeline;
- (b) submits a copy of the notification under sub-regulation (3)(a) to the Authority, within seven (7) days from its delivery to the licensee;
- (c) undertakes to comply with access standards and criteria required by the licensee and approved by the Authority.

(4)

Upon receiving a notification under sub-regulation 3(a), the operator shall—

- (a) evaluate whether sufficient spare capacity exists to transport or store the volumes requested in its storage facility or pipeline;
- (b) negotiate with the licensee and agree, within ninety days of receiving the notification, on the tariffs and contractual terms and conditions governing access; and
- (c) notify the Authority, immediately after the lapse of the period referred to in sub-regulation (4)(b), of the outcome of the negotiations and evaluation.

(5)

Where the operator and licensee are unable to reach an agreement, the Authority shall—

(6)

- (i) mediate any commercial, technical, or legal dispute between the operator and the licensee, within thirty (30) days of receiving a notification under sub-regulation (4)(c); or
- (ii) adjudicate any unresolved dispute between the operator and the licensee and may utilize expert witnesses sponsored by either party.

The Authority may direct an operator or a licensee, as the case may be, to—

(7)

- (a) adjust the terms of an agreement under sub-regulation (4)(b) that contravene an operating licence or that the Authority considers unreasonable or otherwise inappropriate;
- (b) allocate spare capacity in a common user facility; and
- (c) implement technical measures necessary to enable open access storage or transportation for a licensee.

An operator shall notify the Authority when any action under sub-regulation (6)—

- (a) materially increases the operating expenditure of a storage facility or pipeline;
- (b) necessitates additional capital expenditure to expand transportation or storage capacity; or
- (c) creates integrity or safety risks that cannot be reasonably mitigated.

The Authority shall consider any information under sub-regulation (7) and may take appropriate action, including adjusting the ceiling tariff of the relevant operating licence to ensure the commercial viability of open access obligations.

A licensee or any of its employees or agents who provides false or misleading information to the Authority under this regulation commits an offence.

(8) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

Tariffs

(9) 40.(1) The Authority shall, for purposes of regulating common user facilities, prescribe ceiling tariffs and for that purpose, an operator shall submit to the Authority all accounting records and any other information that the Authority may require to assess costs and determine the applicable tariffs.

(10) An operator of a common user facility shall not impose or demand any tariff unless such tariff has been approved by the Authority or exceeds the ceiling tariff set by the Authority under sub-regulation (1).

(2) A person who contravenes this regulation commits an offence and shall be liable, upon conviction, to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

(3)

PART IX – Transportation of Crude Oil by Road

Prohibition against transporting crude oil by road without licence or road tanker permit

(2) 41.(1) A person shall not transport crude oil by road except under and in accordance with a licence issued pursuant with the Act and these Regulations.

(3) A person shall not use, or cause to be used, a road tanker for the transportation of crude by road unless that road tanker holds a valid crude oil road tanker permit issued under the Act and these Regulations.

(4) Where a person transports crude oil by road without the licence or permit required under this regulation, the Authority shall direct that person to immediately cease such transportation until the requisite licence or permit is obtained.

A person who contravenes this regulation commits an offence and shall, upon conviction, shall be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Application for Licence or Permit

(3) 42.(1) A person who intends to carry out crude oil transportation by road and to operate a crude oil road tanker shall apply to the Authority for a crude oil road transport licence or a road tanker permit in the form prescribed under Schedule 4(a).

An application under sub-regulation (1) shall be accompanied by—

- (3)
- (a) the documents specified in Schedule 4(b);
 - (b) particulars of the crude oil road tanker or tankers to be used;
 - (c) an insurance policy acceptable to the Authority to protect covering liabilities that may arise from crude oil road transportation activities;
 - (d) evidence of a functional tracking system accessible to the Authority for periodic monitoring;
 - (e) proof of payment of prescribed fees set out in Schedule 6; and
 - (f) any other requirement as may be prescribed by the Authority.

An application for a crude oil tanker permit shall be made to the Authority accompanied by the documents specified in Part II of the First Schedule

Evaluation of an application for a licence or a tanker permit

43.(1) In evaluating an application for a crude oil road transport licence or a road tanker permit under regulation 40, the Authority shall take into account the requirements specified in the Act and Schedule 4(b).

The Authority may require an applicant to submit such additional information or documentation necessary to enable it to determine an application for the issuance or renewal of a crude oil road transport licence or tanker permit.

An incomplete application shall be rejected within 30 days of submission.

Determination of an Application

- (2) 44. (1) Within thirty (30) days of receiving a complete application under sub-regulation 42, the Authority may —
- (3) (a) approve an application and issue to the relevant crude oil road transport licence or a tanker permit as set out in Schedule 4(c); or
- (b) reject the application and provide reasons for the rejection in writing within seven (7) days of the decision.

A crude oil transport licence or a tanker permit may contain such conditions as the Authority may determine.

- (2) A licence or tanker permit issued under this regulation shall be valid for a period of twelve months.

Renewal of Licence or a tanker permit

- (3) 45.(1) An application for renewal of a crude oil transport licence or a tanker permit shall be submitted to the Authority at least thirty (30) days prior to the date of expiry date.

An application under sub-regulation (1) shall be submitted through an online platform designated by the Authority.

- (2) The application shall be accompanied by—
- (3) (a) the documents outlined in Schedule 4(a); and
- (b) proof of payment of prescribed fees as set out in Schedule 6.

Obligations of crude oil road transportation licensees

- 46.(1) A licensee transporting crude oil by road shall—
- (a) comply with the terms and conditions of the licence;
- (b) ensure compliance with the requirements of the Act, these Regulations, all applicable laws and instructions and approved technical standards and guidelines of the Authority;
- (c) transact only with persons who hold a valid licence or permit issued under the Act and these Regulations;
- (d) use only designated routes for the transportation crude oil;
- (e) load crude oil from a storage facility licenced in accordance the Act and these Regulations;
- (f) discharge crude oil only to a designated export destination or a licensed facility;
- (g) ensure that all crude oil road tankers used have valid road tanker permits;
- (h) ensure that all drivers hold valid crude oil road tanker driver certificates;
- (i) develop, maintain and implement a Highway Emergency Response Plan;
- (j) conduct regular pre-loading vehicle inspections in accordance with a checklist approved by the Authority;
- (k) prepare and sign a journey plan for each trip specifying—
- (i) the vehicle registration number;
- (ii) date and time of travel;
- (iii) cargo on details;
- (iv) name and identification details of the driver;
- (v) name, national identification card number and contact details of the authorising officer;
- (vi) travel route, designated stopping and resting points; and

- (vii) maximum continued driving time not exceeding eight hours in any twenty-four-hour period and mandatory rest periods of at least thirty minutes after four hours of continuous driving.
- (l) operate during the day or night subject to directives or notifications issued by the relevant authorities;
- (m) ensure road tankers are parked only in designated parking areas, or where none exist, at least one hundred meters away from residential buildings, in strict compliance with environment, health and safety requirements under applicable laws;
- (n) ensure that no unauthorized persons gain access to the crude oil road tanker;
- (o) ensure that every crude oil road tanker is fitted with reflective tape-
 - i. along the entire horizontal length of the left and right sides of the tank;
 - ii. across the full diameter of the rear of the tank;
 - iii. around the entire rear circumference of the tank;
 - iv. along the entire horizontal length of the left and right sides of the cabin;
 - v. along the entire horizontal length of the front of the cabin;
- (p) ensure that every crude oil road tanker bears the words “DANGER PETROLEUM” conspicuously written on the rear, left and right sides of the road tanker, and shall—
 - i. shall be inscribed in scarlet red letters on a white background; and
 - ii. have letters not less than one hundred and fifty millimetres in height, with proportionate width;
- (q) install and maintain on each crude oil tanker a properly functional vehicle tracking device with Global Positioning System (GPS) capability, providing distance, location and speed reports on a web-based platform, accessible to the Authority at all times for monitoring;
- (r) not tow any trailer behind a crude oil road tanker;
- (s) ensure that the fabrication crude oil road tanker and any associated or fittings complies with these Regulations, the relevant approved standards and best petroleum industry practices applicable to crude oil road tankers and their fittings on self-propelled bulk vehicles;
- (t) ensure that –
 - (i) the body of a crude oil road tanker, including its fittings, is constructed of fire-resistant materials;
 - (ii) where the tank, is not a component part of the frame of the vehicle, it is securely affixed to the vehicle;
 - (iii) a crude oil road tanker is earthed at all times in accordance with Kenyan Standards or any other international standards approved by the Kenya Bureau of Standards;
 - (iv) the crude oil tanker is manufactured in accordance with applicable Kenya Standards, and where no such standard exists, the relevant international standards approved by the Kenya Bureau of Standards; and
 - (v) the maintenance and decommissioning of a crude oil tanker is undertaken in accordance with applicable laws, standards and guidelines.
- (u) where heating is required during the transportation of crude oil, ensure that the heating method employed is effective, does not pose any environmental, health or safety risk, and complies with these Regulations, applicable Kenyan laws, approved standards and best petroleum industry practices; and
- (v) where applicable, ensure that there is no wax deposition in crude oil road tankers, and in any event, ensure that any wax deposition is managed in accordance with applicable laws, guidelines, standards approved by the relevant authorities and best petroleum industry practices.

A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

PART X – Certification of Crude Oil Road Tanker Drivers

Prohibition against driving a crude oil road tanker without a valid certificate.

47.(1) A person shall not drive, or cause or allow another person to drive, a crude oil road tanker unless that person holds a valid crude oil road tanker driver's certificate issued under the Act and these Regulations.

(2) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Application for Certificate

48.(1) A person who intends to drive a crude oil road tanker shall apply to the Authority for the issuance of a driver's certificate or renewal of a driver's certificate in the form set out in Schedule 4(d).

(2) An application under this regulation shall be accompanied by the documents specified in Schedule 4(e).

(3) An application for renewal of a driver's certificate shall be submitted at least thirty (30) days before the expiry of the certificate and shall be accompanied by the documents specified in Schedule 4(e).

(4) An application under this regulation shall be accompanied by proof of payment of the prescribed fees set out in Schedule 6.

Evaluation and Determination of application

49.(1) In considering an application submitted under regulation 48, the Authority shall take into account the requirements specified in the Act and the criteria set out in Schedule 4(d) and 4(e).

(2) The Authority may require the applicant to submit any additional information or documentation necessary to enable it to determine the application.

(3) An incomplete application shall be rejected within 30 days of submission.

Decision on Application

50.(1) The Authority shall, within thirty days of receiving a complete application;

- (a) approve an application and issue to the applicant with a crude oil road tanker driver certificate in the prescribed form out in Schedule 4(f); or
- (b) reject the application and provide written reasons for the rejection within seven days of making the decision.

(2) A certificate issued under the Act and this regulation may contain such conditions as the Authority may determine.

(3) A certificate issued under the Act and this regulation shall be valid for a period of twelve months.

Possession and Handling of a Certificate

51.(1) A driver of a crude oil road tanker shall, at all times when driving or in control of a crude oil road tanker, have in their possession a valid certificate, or a copy thereof certified by the Authority.

(2) Any certificate issued under sub-regulation 50(1) —

- (3)
 - (a) remains the property of the Authority;
 - (b) may be modified, suspended, revoked or amended in accordance with the Act and these Regulations;
 - (c) shall not be altered, defaced or tampered with in any manner; and
 - (d) is not transferable.

A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

**Obligations
Certificate holder.**

of 52.(1) A holder of a crude oil road tanker driver's certificate shall —

- (a) not drive a crude oil road tanker unless the tanker has a valid crude oil transport road tanker permit issued by the Authority;
- (b) not allow another person who does not hold a valid crude oil road tanker driver's certificate to drive a crude oil road tanker in their control;
- (c) not tamper with the quality or quantity of the crude oil in the tanker;
- (d) not divert the crude oil intended for export into the local market;
- (e) comply with the Act, these Regulations and all applicable standards, guidelines and written laws relating to the transportation of crude oil;
- (f) transport crude oil only on routes designated for that purpose;
- (g) load crude oil only from a licenced storage facility;
- (h) discharge crude oil only to a designated export destination or a licensed facility;
- (i) comply with the applicable Highway Emergency Response Plan;
- (j) comply with the pre-loading vehicle inspection requirements;
- (k) park crude oil road tankers in designated parking areas, or where none exist, at least one hundred meters from any residential building;
- (l) adhere to the instructions, technical standards and guidelines for the transportation of crude oil issued by relevant authorities;
- (m) comply with the journey plan issued by the licensee or its authorised representative; and
- (n) ensure that no unauthorized persons rides in or on the road tanker and that no load other than crude oil is carried on the road tanker.

(2) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

PART XI—Transportation of Crude Oil by Rail

**Transport of Crude
Oil by Rail**

53.(1) A person who wishes to transport crude oil by rail shall ensure that —

- (a) only wagons constructed predominantly made of steel are used; and
- (b) each wagon is loaded to in a manner that prevents movement of the tank or its internal compartments during transit.

(2) The operator of a railway system, transporting crude oil, shall ensure that—

- (a) each tank wagon carrying crude oil maintains a minimum vapour space of four per cent of its total capacity;
- (b) at least two wagons carrying non-flammable goods are placed between the locomotive and any wagon loaded with crude oil;
- (c) no passenger coach forms part of a block of train that includes wagons loaded with crude oil;
- (d) notices strictly prohibiting smoking, open flames and carrying of matches within fifteen meters of any wagon loaded with crude oil are conspicuously painted or displayed on the wagon;
- (e) only authorised persons are permitted on or near wagons loaded with crude oil;
- (f) no wagon loaded with crude oil is halted or shunted within fifteen meters of an open flame or fire source;

(g) each train is equipped with a fire suppression and firefighting system suitable for extinguishing petroleum fires; and

(h) each train is equipped with an operational spill-containment kit at all times.

(3) The Authority may, in consultation with the Kenya Railways Corporation or any other relevant government ministry, department or agency, decline to authorise the transportation of crude oil by rail where the requirements of sub-regulation (1) and (2) have not been satisfied.

PART XII —Transportation of Crude Oil by Water

License to Transport Crude Oil by Water

54.(1) A person shall not operate a crude oil marine transportation business unless that person has been issued with a licence by the Authority in accordance with these Regulations.

(2) An application for a licence under this regulation shall be submitted to the Authority and shall include—

- (a) details of the applicant which includes business name, address and tax number;
- (b) an environmental liability insurance policy providing cover against pollution damage and clean-up costs, in accordance with guidelines issued by the Authority from time to time;
- (c) the technical particulars of the vessel, including its capacity, draft and overall length;
- (d) All approvals required from the Kenya Maritime Authority and the Kenya Ports Authority; and
- (e) Any other information that the Authority may request.

(3) An application under this regulation shall be accompanied by the fee prescribed in Schedule 6.

(4) In reviewing the application, the Authority may inspect the crude oil marine tanker vessel to verify compliance with statutory requirements and applicable standards.

(5) Where the Authority is satisfied after carrying out the inspection and audit under sub-regulation (3) that the vessel and the submitted documentation submitted by the applicant under sub-regulation (2), it may grant the applicant a licence to operate a crude oil marine transportation business.

(6) Where the Authority is not satisfied after carrying out the inspection and audit under sub-regulation (4) or with the documents submitted by the licensee under sub-regulation (2), the Authority shall require the permit holder to—

- (a) undertake such additional works on the vessel on the crude oil marine tanker; or
- (b) submit the required additional information within fourteen days from the date of the notification.

(7) The Authority shall, within thirty (30) days of receiving a complete application—

- (a) grant an operating licence and set a ceiling tariff, either with or without conditions; or
- (b) reject the application, provide written reasons for the rejection.

(8) A licence issued under this regulation shall be valid for a period not exceeding five years and shall be subject to compliance with annual audits conducted by the Authority.

(9) A person who contravenes this Regulation commits an offence and, upon conviction, shall be liable to the fines and penalties stipulated in Act.

Vessel Construction

55. A crude oil marine tanker used for transportation of crude oil shall be constructed with a double hull to minimise the risk of spillage in the event of an accident.

Loading Discharging Crude Oil	and of	56. (1) Crude oil shall be loaded or discharged only in designated areas and under the supervision of a Port Officer. (2) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.
Tank cleaning		57.(1) The holds and tanks of a crude oil marine tanker shall, after unloading, be properly ventilated, cleaned and rendered gas-free where necessary (2) The master of the vessel shall ensure that all oil waste and oily water are disposed of in an approved onshore receptacle. (3) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.
Fire safety		58. The master of a crude oil marine tanker shall ensure strict compliance with fire-safety requirements, including prohibitions on naked flames, smoking, and the use of unauthorised electrical apparatus in accordance with applicable standards and maritime safety regulations.
Documentation		59. (1) The master of a crude oil marine tanker shall, before entering or leaving a port, submit documentation declaring the quantity and quality of petroleum carried. (2) A person who contravenes this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

PART XIII – Inspections

Inspections		60. The Authority, or any person authorised in writing by the Authority, may inspect any midstream petroleum operations, facilities, data, documents, photographs, videos or records in accordance with the Act.
Appointment functions Inspectors	and of	61.(1) The Authority may appoint qualified persons as inspectors and shall issue to each inspector an identification document stating – (a) that the person is an inspector for the purposes of the Act and these Regulations; (b) the term of inspector's appointment; and (c) any other relevant information. (2) An inspector may — (a) enter any premises or facility where midstream petroleum operations are undertaken; (b) inspect and test any midstream petroleum operations and facilities; (c) take samples; (d) require a licensee, permit holder or certificate holder to produce books, records, documents, photographs and videos relating to any midstream petroleum operations; (e) seize any harmful or unauthorised item reasonably required to be confiscated or seized for purposes of compliance; (f) inspect, take extracts from, and make copies of any of books, records, documents produced under sub-regulation (2)(d); and (g) perform any other function necessary to give effect to the Act and these Regulations.

(3) A person who obstructs an inspector in the exercise of powers under this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

- Power of an Inspector**
- 62.(1) An inspector may, upon issuing at least a twenty-four (24)-hours' notice to a licensee or permit holder, inspect midstream petroleum operations or facilities for purposes of ascertaining compliance with the Act.
- (2) Notwithstanding sub-regulation (1), an inspector may, without notice, inspect midstream petroleum operations or facilities where the inspector reasonably believes that immediate access is necessary to—
- (a) to preserve evidence;
 - (b) seal a facility;
 - (c) ensure safety;
 - (d) prevent economic losses; or
 - (e) prevent or stop an ongoing contravention of the Act or these Regulations..
- (3) An inspector may conduct any investigation necessary to determine compliance with the Act or these Regulations.
- (4) Where an inspector determines that any midstream petroleum operations or facilities are not compliant with the Act or these Regulations, the inspector shall issue written notice requiring the person in charge to remedy the non-compliance immediately.
- (5) An inspector may issue and enforce directions to ensure compliance with the Act and these Regulations.

- Responsibilities of an Inspector**
- 63.(1) An inspector shall identify himself or herself upon arrival at any premises, facility, structure or location where midstream petroleum operations are conducted.
- (2) An inspector shall not, in exercising his or her powers under these Regulations, unreasonably interfere with or delay the operations of a licensee, permit holder or certificate holder.
- (3) Where an inspector seizes any item, the inspector shall record the particulars of each item seized and shall issue an inventory to the person from whom the items were taken.

- Conduct of inspections**
- (2) 64.(1) An inspector may carry out periodic inspections and shall provide a report of such inspections to the permit holder or licensee within thirty days from the end of the inspection.
- Where the inspector reasonably believes that actions of the operator, permit holder, licensee or certificate holder is likely to-
- (a) destroy evidence;
 - (b) perpetuate an illegality;
 - (c) cause danger to persons or property;
 - (d) harm the environment; or
 - (e) cause economic losses,
- (3) the inspector may issue a stop order.
- (4)
- (5) A permit holder or licensee shall grant an inspector free and unrestricted access to midstream petroleum operations, facilities, data, documents, photographs, videos and records.
- A person who obstructs, interferes with or refuses to provide an inspector access to its midstream petroleum operations, facilities, data, documents, photographs, videos or records commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

If an inspector identifies non-compliance with the Act, these Regulations or the terms and conditions of a permit, licence or certificate, the Authority shall initiate the process

for suspension or revocation of the permit, licence or certificate in accordance with section 81 of the Act.

Access to samples, data, documents, reports and records by an inspector

65.(1) A licensee, permit holder or certificate holder shall allow an inspector to take samples, documents, photographs, videos, data, reports and records relating to any midstream petroleum operations.

Where any information obtained under sub-regulation (1) is subject to confidentiality obligations, such information shall be treated as confidential and shall not be disclosed except—

- (a) as permitted by law; or
- (b) pursuant to lawful order requiring disclosure.

(2)

A person who fails to provide documents or information to an inspector within the required time commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

(3)

Self-inspection by a permit holder or licensee

66. A permit holder or licensee shall periodically inspect midstream petroleum operations or facility, in accordance with best petroleum industry practices, Kenya Standards or manufacturer recommendations, to verify compliance.

PART XIV – Accidents or Incidents

Reporting of Accidents or incidents.

67.(1) A permit holder or licensee shall notify the Authority of any accident or incident within forty-eight hours, in the form prescribed in Schedule 7.

(2)

A person who contravenes the provision of this Regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

Investigation of Accidents or Incidents

68.(1) A permit holder or licensee shall conduct a detailed investigation of any accident or incident reported under Regulation 67 within fourteen days from the date of the accident or incident, or within such extended period as the Authority may approve, and shall submit a report containing —

- (a) the cause of the accident or incident;
- (b) the environmental, health and safety effects of the accident or incident
- (c) the economic impacts of the accident or incident; and
- (d) the remedial measures undertaken or proposed, together with the timelines for their implementation.

(3)

(4)

(5)

The Authority shall review the report under sub-regulation (1) within thirty (30) days and may take appropriate action including but not limited to issuing a warning, or suspending or revoking a licence or permit.

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

A person who contravenes the provisions of this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for term not exceeding two years, or to both.

PART XV – Compliance Management

EHS compliance

69. A permit holder or licensee shall comply with all applicable provisions of the Petroleum Act, the Occupational Safety and Health Act, the Environmental Management and Coordination Act and any other written laws relating to protection of environment, health and safety.

PART XVI – Record Keeping and Reports

Records

70.(1) A permit holder or licensee shall keep accurate and complete records in accordance with best petroleum industry practices, including but not limited to records relating to—

- (a) tests and inspections;
- (b) maintenance work;
- (c) leaks, breaks and pipeline damage;
- (d) operating and monitoring data;
- (e) occupational safety and health of employees;
- (f) environmental reports and audits;
- (g) financial records;
- (h) accidents and incidents; and
- (i) volumes of crude oil and natural gas transported or stored.

A Licensee shall, unless otherwise directed by the Authority, keep the records under sub-regulation (1) for a period of seven (7) years from the date the record is made.

- (2) The Authority may require a licensee to submit certified copies of any record kept under this regulation, and the licensee shall provide such copies within thirty days of the request.

- (3)
- (4) A person who contravenes the provision of this regulation commits an offence and shall, upon conviction, be liable to a fine not exceeding one million Kenya Shillings, or imprisonment for a term not exceeding two years, or to both.

PART XVII – Offences and Penalties

General offences and penalties

- (2) 71.(1) The Authority may, without prejudice to any penalty, imprisonment, suspension or revocation that may be imposed under the Act, suspend or revoke a licence, permit or approval issued to a permit holder, licensee or Common User or any of their employees or agents who contravene any provision of these Regulations.

A person who commits an offence under these Regulations for which no express penalty is provided shall, upon conviction, be liable to penalties prescribed under Section 124 of the Act.

PART XVIII – Miscellaneous

Ownership

- (2) 72.(1) A Licensee shall be a body corporate registered under the laws of Kenya.

Any assignment, transfer or change in voting rights or sale of shares in the entity owning a storage facility or pipeline or a Licensee may be approved by the Cabinet Secretary as recommended by the Authority.

Petroleum Strategic Stocks

- (2) 73.(1) The Cabinet Secretary may, after the establishment of the Consolidated Petroleum Fund, request a Licensee to allocate spare capacity to store crude oil or natural gas as strategic stock in accordance with sections 96, 101 and 107 of the Act.

Any capacity allocated under sub-regulation (1) shall attract storage tariff as determined by the Authority, and all storage costs shall be met by the Consolidated Petroleum Fund.

Procurement

74.(1) A permit holder or a licensee shall procure all goods, works and services required for the construction and commissioning or operation of a storage facility or pipeline under regulations 9 and 21 in accordance with its local content plan.

A permit holder or a licensee shall conduct all its procurement in a manner that provides full and open competition and shall require its sub-contractors and suppliers to adhere to its procurement policies.

Joint and Several Liabilities	75. Obligations and liabilities arising under a joint construction and commissioning agreement or a joint operating agreement, including public-private partnerships establishing a permit holder or licensee, shall be joint and several..
Confidentiality	76.(1) Information obtained by the Cabinet Secretary or the Authority relating to any matter under these Regulations may be published or otherwise disclosed to a third-party only— (a) with the prior approval of the permit holder or licensee from whom the information was obtained; or (b) when the disclosure and use of such information is for an authorised purpose under section 104 of the Act. Disclosure of any information under this regulation is subject to the provisions of the relevant laws relating to access to information.
Register of licences and permits	77.(1) The Authority shall keep a register of all licenses, permits, certificates and approvals issued under these Regulations and shall record— (a) the terms and conditions of each permit or license; (b) all amendments; (c) all duplicates; (d) all suspensions or revocations; and (e) all fees paid to the Authority. Any person may inspect the register during the working hours of the Authority. (2) A fee prescribed in Schedule 6 shall be payable before gaining access to the register. (3) Sub-regulation (3) shall not apply to government ministries, government departments, constitutional commissions, or statutory bodies carrying out investigative, research or oversight functions.
Monetary Correction	78.(1) The Authority may, from time to time, update fees to capture any material escalation of its administrative costs, currency fluctuation or inflation. (2) The Cabinet Secretary may, from time to time, update fines set under these Regulations. (3) Fees and fines under these regulations shall be paid via bank transfer into a designated government account to be informed by the Authority.
Lacunae	79. Any matter concerning midstream petroleum operations that is not provided for in the Act, these Regulations, or in any permit or licence issued under them shall be determined by the Authority on a case-by-case basis.
Grievance redress	80. A permit holder or licensee who is dissatisfied with a decision of the Authority or the Cabinet Secretary in relation to any matter under these Regulations may appeal to the Energy and Petroleum Tribunal within thirty days of receiving the decision,

SCHEDULE 1(a): Application for a Reconnaissance Study
(R.4, R.5, R.6)

Item No.	Required Information	Details
1	General Project description	
2	Name of Entity	
3	Country of Registration and Registration Number/ ID	
4	List of areas to be surveyed	
5	List of sensitive and protected areas (international boundaries, transboundary rivers, lakes and reservoirs and national security sites)	
6	Details of identified impacts and mitigation measures	
7	Expected Field days	
8	Justification for taking up reconnaissance survey	

Indemnity Declaration — Pipeline Reconnaissance Route Study

This Indemnity Declaration (“Declaration”) is made as of [Date].

[Applicant's Principal Name], a [company/organization] incorporated/registered in [jurisdiction], with registered address at [Address] ("Applicant").

The Applicant will conduct a pipeline route reconnaissance/study described as [Project Name/Description] at or affecting locations within the Republic of Kenya (the “Study”).

The Applicant hereby irrevocably agrees to indemnify and defend the Government of Kenya its officers and agents to the extent permitted by law (the “Indemnitees”), from and against any and all claims, liabilities, losses, damages, costs and expenses (including reasonable attorneys’ fees, investigation costs and court costs) arising out of or in connection with the Study, including without limitation claims for bodily injury (including death), property damage, environmental harm, third-party claims, fines, penalties or loss of income, whether arising under contract, tort (including negligence), strict liability, statute or otherwise, except to the extent such claims arise solely from the gross negligence or wilful misconduct of an Indemnitee.

Scope

This indemnity covers acts or omissions occurring during the period [Start Date] to [End Date] and any post-study activities reasonably related to the Study (including site inspections and remedial actions).

Insurance

The Applicant shall, at its expense, maintain and keep in force insurance coverage adequate to cover its obligations hereunder, including (as applicable) commercial general liability, contractor’s liability, environmental liability and professional liability. The Applicant shall provide certificates of insurance upon request and shall notify such parties of any material change or cancellation.

Compliance with Law and Guidelines

The Applicant shall ensure all activities under the Study comply with applicable Kenyan law, regulations and permits.

Executed by authorized representatives:

Applicant: _____ Date: _____

Name/Title: _____

For Official Use

Approval

(1) For a Special Category of Pipeline in regulation 4

Approved by:

[*Name of Cabinet Secretary*]

Ministry of Petroleum and Energy:

Name: _____

Signature: _____ Date: _____

(2) For all other Pipelines in regulation 5

Approved by:

[*Name of Director General*]

Energy and Petroleum Regulatory Authority

Name: _____

Signature: _____ Date: _____

SCHEDULE 1(b): Land Access Consent for Reconnaissance
(R.7(2))

WRITTEN CONSENT

I, *(full name of landowner, lessee, or occupier)*
of *(full address of landowner, lessee, or occupier)*,
do give express written consent to *(full name of*
permit holder or Licensee)
of *(full address of permit holder or Licensee)*

to access the land listed here

Land Title	Locality	County	Area (hectares/acres)
------------	----------	--------	-----------------------

of which I am the
(tick the box as appropriate)

- ☐ owner
☐ lessee
☐ occupier

for the purpose of entering and inspecting said lands necessary to construct, commission, operate or maintain a pipeline or a storage facility under the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 202X.

Date of issuance: *(dd-mmmm-yyyy)*

Signature: *(landowner, lessee, or occupier's signature)*

If the landowner, lessee, or occupier is not able to read or sign the consent form, the landowner, lessee, or occupier may stamp their thumb fingerprint above in lieu of a signature and a witness shall hereby acknowledge that the landowner, lessee, or occupier understands the contents of the form and has provided their express verbal consent from a confirms has been witnessed by:

Name of witness: *(full name of witness)*

Signature of witness: *(witness' signature)*

Where a person is not in a position to sign the consent by virtue of being absent from country the person representation will sign on behalf and providing Power of Attorney by;

Name of witness Power of Attorney Holder: *(full name of witness Power of Attorney Holder)*

Signature of witness Power of Attorney Holder: *(witness Power of Attorney Holder' signature)*

SCHEDULE 2(a): Application Format for a Construction Permit for a Midstream Storage and Pipeline

(R. 9(1), 9(2))

CONSTRUCTION AND COMMISSIONING PERMIT

APPLICATION FORM

This application is hereby submitted under the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 202X for the authorisation to develop a midstream project as follows.

Applicant:*(full corporate name)*

Address:*(full corporate address)*

Nature:*(transportation pipeline or storage)*

Product:*(crude oil or natural gas)*

Volume:*(maximum pipeline or storage capacity)*

Location:*(pipeline route or address of storage facility)*

Enclosed documents

- List as all attached documents.
- The electronic versions of the documents listed above shall be submitted in the form and manner prescribed by the Authority

Declaration

1. I have read and understood the relevant sections of the Petroleum Act (Cap. 308) and the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 20xx and agree to abide by them.
2. I hereby certify that the information given above is to my knowledge true and accurate.
3. I understand that it is an offence to give false information in an application for a construction and commissioning permit.
4. I commit to conduct an honest midstream petroleum business.
5. I acknowledge that our company shall only construct and commission a storage facility or pipeline as approved by the Authority.
6. I acknowledge that our company shall not start constructing and commissioning a storage facility or pipeline before obtaining a permit from the Authority.

Date: *(dd-mm-yyyy)*

Signature:*(Applicant's representative)*

SCHEDULE 2(b): Documents Required for Construction Permit Application

(R. 9(2))

Requirements for an application of Construction Permit for a Midstream Pipeline and Storage Facility

- (a) Specify the name and address of the applicant;
- (a) Include an approved reconnaissance report under sub-regulation 6(3);
- (b) State the anticipated volume of crude oil or natural gas to be stored or transported;
- (c) State the location of equipment, ancillary installations, and infrastructures;
- (d) State and indicate distance between locations under (d)
- (e) Be accompanied by—
 - (i) the business registration certificate and tax documentation of the applicant;
 - (ii) evidence of legal, technical, financial and professional capacity to undertake the construction works;
 - (iii) description of the project, comprising —
 - a) The proposed location or route;
 - b) detailed layout plans and specifications prepared by a relevant professional engineer;
 - c) project execution plan;
 - d) design of the associated facilities;
 - e) cost of undertaking and financing arrangements; and
 - f) approvals from the relevant County Government.
 - (iv) an environmental impact assessment licence from the National Environment Management Authority;
 - (v) a safety case as prescribed by the Petroleum (Upstream and Midstream Environment, Health and Safety) Regulations pursuant to the Act;
 - (vi) proof of payment an environmental deposit bond;
 - (vii) Proof of acquisition of Right of Way, Wayleave or any required Easements for the Pipeline;
 - (viii) Right of way for construction, commissioning, and maintenance activities during operations phase;
 - (ix) approvals from the National Construction Authority; and
 - (x) any other approvals from relevant authorities.
- (f) project execution strategy or quality assessment including—
 - (i) procedures for installation, testing, inspection, maintenance and repair;
 - (ii) quality control programs;
 - (iii) the project implementation schedule;
 - (iv) procedures for metering petroleum commodities or petroleum products;
 - (v) a plan of the storage facility including design lay-out; and
 - (vi) safety considerations including—
 - a) control and instrumentations systems including alarms, fire and gas systems, and emergency shutdown system;
 - b) hazard and operability (HAZOP) report;
 - c) safety analysis function evaluation (SAFE) chart;
 - d) Hazard Identification (HAZID) and risk assessment report;
 - e) cause and effect diagrams; and
 - f) safety equipment layout; and
 - g) any other relevant information as the Authority may determine.
- (g) process and instrumentation diagram including—

- (i) process equipment;
- (ii) heating systems, if any;
- (iii) pumping and valve stations;
- (iv) metering points;
- (v) inlet, receipt, and delivery sources; and
- (vi) other instrumentation.
- (vii) pipe diameter, thickness, and material;
- (viii) cathodic protection;
- (ix) welding methods;
- (x) pull-in, expansion and buckling analyses;
- (xi) flow control and stopping actuators;
- (xii) size and type of compressor and pump motors;
- (xiii) type of meters; and
- (xiv) safety equipment.

SCHEDULE 2(c): Form of a Construction Permit Approval

(R. 11(1), 23(5))

FORM OF APPROVAL

Authorisation for midstream project no.: xxxx/yyyy

This authorisation is hereby granted under the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 202X exclusively to the named Licensee to develop a midstream project as follows.

Applicant's Name

(full corporate name)

Address:

(full corporate address)

Nature:

(transportation pipeline or storage)

Product:

(crude oil or natural gas)

Volume:

(maximum pipeline or storage capacity)

Location:

(pipeline route or address of storage facility)

Terms and conditions

1. The Licensee shall—
 - (a) carry out its pre-development works and not deviate from its authorised project;
 - (b) comply with all applicable environment, safety and health laws and regulations; and
 - (c) pay all necessary fees associated with this authorisation on a timely basis.
2. The Licensee is allowed to—
 - (a) conduct reconnaissance and general investigations of any area, including acquisition of geotechnical and geophysical data, and fauna and flora sampling;
 - (b) develop a pipeline or a storage facility project—
 - (i) of the product and volume specified in this authorisation; and
 - (ii) along the route or in the position specified in its authorised project, including in relation to the seabed.
 - (c) carry out pre-development works and do all other things in or around the location specified in this permit as are necessary for, or incidental to, the development of the project.
3. The Licensee is subject to liability under tort and the contract laws.
4. This authorisation is non-exclusive and may be altered, revised, modified, or withdrawn without the consent of the Licensee.

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

Signature: *(Director General)*

SCHEDULE 3(a): Application Format for an Operating Licence for a Midstream Storage and Pipeline
(R. 21(3))

APPLICATION FORM

This application is hereby submitted under the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations 202x for the operation of a storage facility or pipeline as follows.

Permit Holder: *(full corporate name)*
Address: *(full corporate address)*
Nature: *(transportation pipeline or storage)*
Product: *(crude oil or natural gas)*
Volume: *(maximum pipeline or storage capacity)*
Location: *(pipeline route or address of storage facility)*
Construction and commissioning permit: *(number)*

Enclosed documents

(tick the boxes as appropriate)

- ☐ a declaration of the nominal capacity of the storage facility or pipeline and the capacity that is available to Common Users.
- ☐ copy of environmental liability policy
- ☐ copy of construction and commissioning integrity and quality certificate
- ☐ copy of fee payment receipt
- ☐ third party all risks insurance policy or a preliminary policy accompanied by an undertake to provide a third party all risk insurance policy within sixty (60) days after the date of the grant of a licence
- ☐ organizational structure
- ☐ local content plan
- ☐ proposed tariff and methodology for Common Users
- ☐ Electronic data files with Global Positioning System (GPS) latitude and longitude coordinates of the proposed pipeline route or the storage facility.

The electronic versions of the documents listed above shall be submitted in the form and manner prescribed by the Authority.

Declaration

1. I have read and understood the relevant sections of the Petroleum Act (Cap. 308) and the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 202X and agree to abide by them.
2. I hereby certify that the information given above is to my knowledge true and accurate.
3. I understand that it is an offence to give false information in an application for an operating licence.
4. I commit to conduct an honest midstream petroleum business.
5. I acknowledge that our company shall only operate a storage facility or pipeline as approved by the Authority.
6. I acknowledge that our company shall not put a storage facility or pipeline into operation before obtaining a licence from the Authority.

Date: *(dd-mm-yyyy)*

Signature: *(Licensee's representative)*

SCHEDULE 3(b): Form of an Operating Licence for a Midstream Storage and Pipeline

(R. 21(10), 23(5))

FORM OF LICENCE

Operating licence no.: xxxx/yyyy

This operating licence is hereby granted under the Petroleum (Midstream Crude Oil and Natural Gas Transport and Storage Operations) Regulations, 202X exclusively to the named Licensee to carry on midstream petroleum businesses as follows.

Licensee:

(full corporate name)

Address:

(full corporate address)

Expiry date:

(dd-mm-yyyy of first expiry date)

Renewal:

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

Nature:

(transportation pipeline or storage)

Product:

(crude oil or natural gas)

Volume:

(maximum pipeline or storage capacity)

Location:

(pipeline route or address of storage facility)

Pipeline tariffs or storage charges:

(if any)

Terms and conditions

1. The Licensee shall—

- (a) start operations within six (6) months from issuance of this licence, unless when an unforeseen circumstance arises;
- (b) inform the Authority about an unforeseen circumstance that can delay the start of operations and may request an extension to the period of six (6) months mentioned above;
- (c) comply with all applicable environment, safety and health laws and regulations;
- (d) pay all necessary fees associated with this licence on a timely basis;
- (e) notify the Authority as soon as practicable after starting any emergency works; and
- (f) submit detailed information and drawings of any emergency works to the Authority within sixty (60) days from starting said emergency works for the Authority's approval in reasonable time.

2. The Licensee is allowed to—

- (a) operate the storage facility or pipeline specified in this licence;
- (b) operate any station, system, equipment, installation, and infrastructure associated with the storage facility or pipeline; and
- (c) carry out works and do all such other things in the location specified in this licence as are necessary for, or incidental to, the operation.

3. The Licensee is subject to liability under tort and the contract laws.

4. This licence is valid for twenty-five (25) years and may not be altered, revised, or modified, except with the consent of the Licensee.

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

Signature: *(Authority's representative)*

SCHEDULE 4(a): Form of Licence for a New or Renewal of a Crude-oil Road Tanker Permit and Transport Licence

(R. 40(1))

(A separate application form must be completed in respect of each separate business establishment)

1. Applicant Details		
Name of applicant:		
2. Details of applicant		
Kenya Revenue Authority Personal Identification Number:		
Telephone Number:	Fax:	Email address:
Postal address:		
Location of business premises		
Plot No. and Building name:	Street/Centre:	Town/County:
Certificate of Registration/Incorporation Number		
Date of Registration/Incorporation		
3. Give full details of proprietors or partners owning business or directors/shareholders of the company, as the case may be;		
Name	Nationality	(Where applicable No. of shares held)
(Any additional information should be submitted on a separate sheet of paper).		
4. Give full details of directors of the company		
Name	Nationality	Passport/ ID No.
(Any additional information should be submitted on a separate sheet of paper).		
5. Full description of the business (es) for which the licence is required;		

6. (a) Indicate the Licence number(s) and date(s) of issue of licence(s) previously held under the Act:	
(b) Indicate the period for which the licence is being applied;	
7. State if you are or any of your partners/directors is an undischarged bankrupt (If so Yes, indicate the names);	
8. (a) Has any previous application for a licence been rejected under the Act? (If Yes, give details):	
(b) Has any previous licence been cancelled under the Act? (If Yes, give details):	
9. (a) Criteria to be met for new application and for renewal of a licence is attached at the back of the application form. (b) Certified copies (by advocate / commissioner of oaths) of documents as per criteria specified above should be submitted together with the licence application.	

10.CONDITIONS FOR CRUDE OIL ROAD TRANSPORT LICENCE:

Compliance with; -

- Petroleum Act, 2019 and any other subsidiary legislation and regulation made thereunder
- Environmental Management and Co-ordination Act, 1999 and any other subsidiary legislation and regulation made thereunder.
- Traffic Act, 1953 and any other subsidiary legislation and regulation made thereunder.
- National Transport and Safety Authority Act, 2012 and any other subsidiary legislation and regulation made thereunder.
- Proof of adequate insurance cover / Policy number.
- Proof of an adequate environment liability policy.
- Proof of crude oil road tanker tracking system.
- Relevant Kenya Standard on Petroleum Road tankers.
- Best petroleum industry practices.
- Any other applicable laws.

DECLARATION

- (i) I/We have read and understood the relevant sections of the Petroleum Act, No. 2 of 2019 and the related regulations issued therein, and agree to abide by them.
- (ii) I/We hereby certify that the information given above is to my/our knowledge true and accurate.
- (iii) I/We understand that it is an offence to give false information in an application for a licence.
- (iv) I/We shall comply with all applicable environmental, health and safety laws;
- (v) I/We understand that I/We are subject to liability under tort and the contract laws;
- (vi) I/We commit to pay all necessary fees associated with the licence or permit on a timely basis.
- (vii) I/We commit to conduct honest crude oil road transportation activities.

- (viii) I/We hereby confirm that our Company/Business shall only transport crude oil from licensed facilities to only other licensed facilities or end consumers.
- (ix) I/We commit that our Company/Business shall provide parking for our road tankers and only park crude oil road tankers at parking designated for such tankers

Name of Company:	
Name and ID of Person signing the Declaration:	
Designation and telephone No	
Signature & Stamp	
Date:	
Email address:	

FOR OFFICIAL USE ONLY

1. Date application received:	
2. Decision of Authority:	

3. If application is deferred or rejected, date of advising applicant accordingly:					
4. Date of review of application:					
5. Decision of Authority:					
5. Licence details:					
No.:		Date issued:		Expiry date:	

SCHEDULE 4(b): Requirements for a Crude-oil Road Tanker Permit and Transport Licence

(R. 40(2)(a), R. 41(1))

- (i) The particulars of the shareholders and directors of the applicant company issued by the Registrar of Companies in accordance with section 854 of the Companies Act within the preceding twelve months prior to making the application.
- (ii) Copies of identity cards or passports of the shareholders and directors of the applicant company.
- (iii) Where the shareholders or directors of the applicant company are a company, the particulars of the shareholders and directors of the shareholder or director company issued by the Registrar of Companies in accordance with section 854 of the
- (iv) Companies Act within the preceding twelve months prior to making the application.
- (v) Where a director of the applicant is a foreign national, a work permit issued under the Kenya Citizenship and Immigration Act.
- (vi) A Tax Compliance Certificate for the applicant issued under the Tax Procedures Act.
- (vii) A trade licence issued by the respective County Government.
- (viii) A summary of an emergency response plan for the facility on which the petroleum business is to be conducted.
- (ix) Proof of training of all drivers on petroleum products, defensive driving and crude oil handling.
- (x) An organisation structure that includes a Health, Safety and Security and Fleet/ Trip Scheduler Managers
- (xi) Logbooks of at least two tankers and prime movers showing either ownership or a firmed-up lease agreement of a minimum of five years.
- (xii) Motor Vehicle Inspection certificates for each of the tankers and prime movers.
- (xiii) Calibration certificates for each of the tankers.
- (xiv) Evidence of each of the vehicles having a working real-time on board tracking and monitoring computers.

SCHEDULE 4(c): Crude Oil Tanker Licence/ Permit

(R. 42(1)(a))

LICENCE TO TRANSPORT CRUDE OIL BY ROAD

LICENCE NUMBER _____

This Petroleum Road Transport Business Licence is hereby granted to _____ (Insert Name of Applicant) of P. O. Box _____ to carry on the following petroleum businesses: (CRUDE OIL TRANSPORTATION BY ROAD)

On premises situated at: _____

Plot number: _____

Building: _____

Street: _____

Town: _____

County: _____

Details for the Prime Mover and Tanker combination (Add more for each vehicle)

In the tanker whose details appears below Tanker No.: _____

Maximum Capacity: _____

This Permit expires on: _____

This Petroleum Road Transport Business Licence expires on _____

Dated this: _____

Signature _____

Director-General of the Authority (Common seal of the Authority)

SCHEDULE 4(d): Application for a Crude Oil Tanker Driver Certificate

(R. 46(1),R.47(1))

**APPLICATION FOR ISSUANCE OF A NEW OR RENEWAL OF VALIDITY OR AMENDMENT OF PETROLEUM ROAD
TANKER DRIVER CERTIFICATE**

Type of application (tick as appropriate)

☐ New application ☐ Renewal of validity application ☐ Amendment application

Amendment details _____ (where applicable)

2. Biodata

(a) Name of applicant _____

(b) postal address _____

(c) email address _____

(d) telephone number _____

(e) physical address _____

(f) Date of birth _____

(g) Driving licence number _____

(h) passport number or national identity card number _____

3. Work experience of the applicant

Institution _____

Business type _____

Starting date _____ Ending date _____

Position (List all relevant positions)

4. Academic qualifications

Institution _____

Location _____

Academic Level _____

Summary of qualification _____

Date awarded _____

5. Reason for amendment (tick as appropriate)

☐ an error in the text of the certificate; ☐ a change in the name of the holder; or ☐ a change in the address of the holder.

Signed: _____

Date: _____

SCHEDULE 4(e): Documents Attached to Application for Issuance or Renewal of Validity of Crude Oil Tanker Driver Certificate

(R. 46(2), R. 46(3), R. 47(1))

1. A copy of the identity card or passport of the applicant.
2. A copy of a certificate or diploma issued to the applicant in accordance with the Technical and Vocational Education and Training Act or a certificate issued in accordance with National Industrial Training Act.
3. Defensive Driving Training
4. Training course on Petroleum products and prevention of petroleum oil spill on the road
5. A driving licence issued to the applicant for the petroleum tanker in accordance with the Traffic Act.
6. A colour Passport size photo of the applicant.

SCHEDULE 4(f): Format of a Crude Oil Tanker Driver Certificate

(R. 48(1)(a))

CRUDE OIL ROAD TANKER DRIVER CERTIFICATE

Class: _____

Licence Number _____

Name: _____

National Identity Card or Passport Number: _____

This Petroleum Road Tanker Driver Certificate authorizes the Holder to drive a petroleum road tanker.

Date of Issue: _____

Expiry Date: _____

Dated this: _____

Signature: _____

Director-General of the Authority

SCHEDULE 5: Minimum Requirements for a Common User Facility Agreement

(R. 48(1)(a))

A Common User Facility Licensee shall enter into a service agreement with Users and shall, on the minimum, contain the following provisions as prescribed by Regulation 11(2), (3) and (4) of these Regulations –

1. Licensee obligations and responsibilities.
2. Users' obligations and responsibilities
3. Ownership of products and custodial responsibilities
4. Processes and responsibilities for settlement of payments due to Kenya Revenue Authority and any other statutory payments levied on products
5. Procedures for receipt of products including receipt scheduling, quantity measurements, product quality specifications and certification
6. Procedures for coordination and scheduling of products deliveries
7. Stock accounting procedures, including measurements, stock variances, and reporting
8. Allowable stock losses for each logistics service contracted
9. Product quality management including standards, specifications, methods for determination
10. Procedures for handling of off-specification products and dispute resolution process
11. A list of tariffs for each logistics service offered, billing, and payments
12. Process for handling disputes and claims
13. Situations constituting Force Majeure.
14. Procedures for governing facility access, security, safety, environment, and hygiene

The electronic versions of the documents listed above shall be submitted in the form and manner prescribed by the Authority

SCHEDULE 6: Applicable Fees

(R4(3), R6(1), R9(3), 12(3)(c), R21(3)(h), R22(3), R23(3)(b), R26(3), R40(2)(e), R43(3), R46(4), R52(3), 75(3))

FEES

The Authority may update any and all fees from time in accordance with regulation 43, and the updated fees shall take effect on the day of their publication on the Authority's website or in the Gazette, whichever occurs first.

Regulation	Description	Fee (KSh)
4(3)	Application to the Cabinet Secretary for approval for reconnaissance studies	1,000,000.00
6(1)	Application to the Authority for approval for reconnaissance studies	500,000.00
9(3)	Application for a Construction permit a midstream crude oil pipeline.	1,500,000.00
	For all pipelines the following cost is added to the basic fee in 3 and 4 above:	
	(a) Fee per kilometre for the First 100km	3,000.00
	(b) Fee per kilometre for any distance above 100km	1,500.00
12(3)(c)	Application of extension of a Construction permit for a midstream crude oil storage facility or pipeline	250,000.00
21(3)(h)	Application for an Operating licence for a midstream crude oil storage facility or pipeline.	500,000.00
22(3)	Application for renewal of an operating licence for a midstream crude oil storage facility or pipeline.	100,000.00
23(3)(b)	Application for amendment for a construction permit or an operating licence for a midstream crude oil storage facility or pipeline.	100,000.00
26(3)	Application for replacement of a lost a construction permit or an operating licence for a midstream crude oil storage facility or pipeline.	20,000.00
40(2)(e)	Application for a licence for the crude oil transportation by road	20,000.00
40(2)(e)	Application for a permit for a crude oil road tanker	5,000.00
43(3)	Application for renewal of a licence for the crude oil transportation by road	5,000.00
43(3)	Application for renewal of a permit for a crude oil road tanker	3,000.00
46(4)	Application for a Driver's Certificate for the transportation of crude oil tanker by road	2,000.00
52(3)	Application for a licence for transport of crude oil in the inland waters	50,000.00
75(3)	Fee for accessing the Register of Licenses, Certificates and Permits	500.00

SCHEDULE 7: Accident Reporting Format

(R65(1))

ACCIDENT OR INCIDENT REPORTING FORM

1. Name of owner of the motor vehicle.....
2. Name of holder of licence:.....
3. Registration number of the motor vehicle
4. Accident or incident location:
 - (a) County.....
 - (b) Sub-County.....
 - (c) Location.....
 - (d) Village
5. Geographical spread of the accident or incident ...
6. Time and date of accident or incident ...
7. Date reported to the holder of the licence or construction permit.....
8. Date reported to the Authority.....
9. Most probable cause of accident or incident*(add more pages if required)*
10. Passport photograph of driver.....
11. Accident or incident impact..... *(add more pages if required)*
12. Police reference and reported date (where applicable).....
13. Reported by:
 - (a) Name.....
 - (b) Postal address.....
 - (c) Email address
 - (d) Telephone...
14. Number of injuries.... *(add more pages if required)*
15. Number of fatalities.....*(add more pages if required)*
16. Scale of environmental damage.....*(add photos and /or more pages if required)*
17. Description of the events leading to the accident or incident*(add more pages if required)*

Signed: _____ Date: _____