(Legislative Supplement No xxx)

LEGAL NOTICE NO.

THE PETROLEUM ACT
(Cap.308)

THE PETROLEUM (BUNKERING) REGULATIONS, 2026

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LEGAL NOTICE NO.

THE PETROLEUM ACT
(Cap. 308)

THE PETROLEUM (BUNKERING) REGULATIONS, 2026

IN EXERCISE of the powers conferred by section 101(b) and (m) of the Petroleum Act, Cap 308, the Cabinet Secretary for Energy and Petroleum, on the recommendation of the Energy and Petroleum Regulatory Authority, makes the following Regulations -

THE PETROLEUM (BUNKERING) REGULATIONS, 2026

PART I - PRELIMINARY	
Citation.	These Regulations may be cited as the Petroleum (Bunkering) Regulations, 2026.
Interpretation.	1. (1) The terms that are used in these Regulations and not explicitly defined shall have the same meaning as prescribed under the Act (2) In these Regulations, unless the context otherwise requires – "Act" means the Petroleum Act, Cap. 308; "Agent" means a person appointed in writing by the Authority to perform any of its functions; "Authority" means the Energy and Petroleum Regulatory Authority established under Section 9 of the Energy Act, Cap. 314; "Bunkering" means the act of transferring bunker fuels from a storage facility, fuel tanker or marine vessel into a ship's fuel tanks;

	"Bunker Fuels" means any type of fuel used to power ships and can range from heavy fuel oil, low sulphur fuel oil, marine gas oil, ammonia, hydrogen, liquefied petroleum gas, liquefied natural gas and biofuels; "Bunkering Operations" means the process of supplying bunker fuel to ships, typically by barge, pipeline or truck. "Bunkering Business" means the sale of Bunker Fuels from a storage facility, fuel tanker or marine vessel; "Bunkering Vessel" means a vessel where petroleum is received and stored in bulk in one or more tanks and dispensed to consumers for their own use; "Bunker Tanks" means specialized storage on ships designed to hold Bunker Fuel; "Cabinet Secretary" means the Cabinet Secretary for the time being responsible for Petroleum; "Competent Person" means a person who has acquired through training, qualification, or experience the knowledge and skills to undertake Bunkering Operations. "Consumer" means any person who is supplied or entitled to be supplied with Petroleum; "County Government" has the meaning assigned to it in Article 176 of the Constitution;

	"Designated Dock or Wharf" means an assigned location where Petroleum Marine Transportation Vessels can be moored while not in operation; "Designated bunkering points" means a specific location assigned to an operator of either an Onshore bunkering Facility, fuel tanker or marine vessel to undertake bunkering operations; "Energy Act" means the Energy Act, Cap. 314; "Environment Liability Policy" means a statement of commitment by a party to the laws, regulations and other policy mechanisms concerning environmental issues; "Kenya Bureau of Standards (KEBS)" means a state corporation established under the Standards Act, Cap. 496 responsible for promotion of the standardisation of the specification of commodities, and provision for the standardisation of commodities and codes of practice; "Kenya Maritime Authority (KMA)" means a state corporation established under the Kenya Maritime Authority Act Cap 370 responsible for monitoring, regulating and coordinating activities in the maritime industry; "Kenya Ports Authority (KPA)" means a state corporation established under the Kenya Ports Authority Act Cap. 391 responsible for maintaining, operating, improving and regulating all scheduled seaports under act; "Kenya Standard" means a specification or code of practice declared by the Council under the Standards Act Cap. 496;

	"Licence" means a document granted under the Petroleum Act by the Authority to a person authorizing the sale and transport of petroleum; "Licensee" means a holder of any licence issued under these regulations; "Licensing Authority" means a body corporate, including the Authority, with powers to grant, revoke or suspend a licence issued under the Petroleum Act; "Marine" means relating to waterborne environments, vessels or activities and in the context of these regulations includes oceans, seas, coastal water, inland waters (rivers, lakes, canals) where vessels operate; "Marine Vessel" means any tanker, freighter, barge, or other watercraft which transports solid or liquid freight, including grain, coal, rock, petroleum liquid, or crude oil in bulk. "Ministry" means the Ministry for the time being responsible for petroleum in Kenya; "Non civilian" means natural or juridical persons who are part of the military or government agencies involved in defense and security. "Occupational Safety and Health Act (OSHA) Cap. 236A" means a law that governs the safety, health and welfare of workers and all persons lawfully present at the workplaces; "Person" means any natural or juridical person; "Petroleum Act" means the Petroleum Act Cap. 308;

	"Specifications" means a description of any commodity by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age or other characteristics, or to any substance or material of or with which, or the manner in which, any commodity may be manufactured, produced, processed, treated, tested or sampled; "Spill Containment System" is a set of structures and devices designed to prevent, control, and mitigate the spread petroleum products to minimise environmental contamination and safety risks. "Third parties" means other petroleum business licensees and their agents carrying out business with a licensee; "Tribunal" means the Energy and Petroleum Tribunal established under Section 25 of the Energy Act; "Vessel Master" means the highest ranking officer onboard a marine vessel who is responsible for navigation, crew management, cargo and regulatory compliance;
Application of these Regulations.	2. (1) These Regulations shall apply to a person undertaking Bunkering business; and (2) These Regulations shall not apply to operations carried out by non-civilians
PART II – BUNKERING BUSINESS LICENCE	

Requirement for a licence	3. A person shall not conduct a Bunkering Business unless the person has a valid Bunkering Business licence.
Licence categories	4. A person who intends to conduct Bunkering Business shall apply for a licence under the following categories, where applicable; a) Licence for Bunker Fuels Supply (Ship to Ship) b) Licence for Bunker Fuels Supply (Truck to Ship) c) Licence for Bunker Fuels Supply (Pipe to Ship)
Application for a licence	5. (1) A person who intends to conduct a Bunkering Business shall— (a) apply to the Authority for a Bunkering Business licence; (b) attach the documents set out in Part I, II and III of the First Schedule to the application under sub-regulation 5(1)(a); (c) execute an environment liability policy set out in the Third Schedule; and (d) remit to the Authority the application fees specified in the Fourth Schedule. (2) The Authority shall consider the factors referred to in section 75 of the Act in determining an application made under this regulation. (3) The Authority shall within (30) days of an application being made under sub-regulation (1), issue a successful applicant with the respective Bunker Business licence in Form 3 as set out in Part IV of the First Schedule. (4) Where an application being made under sub-regulation (1) is rejected, the Authority shall notify the applicant of the reasons for the rejection in writing within seven (7) days of the rejection.

	(5) A person who contravenes sub-regulation (1) commits an offence and shall, upon conviction, be liable to the penalty, as set out in the Fifth Schedule of these Regulations.
Validity of licence.	6. (1) The licence issued for Bunkering Business shall be valid for twelve (12) months from the date of issue.
Renewal of licence.	7. (1) A person who intends to renew a licence shall— (a) apply to the Authority for renewal of Bunkering Business licence; (b) attach the documents set out in Part 1, II and III of the Second Schedule to the application under sub-regulation 7(1)(a); (c) execute an environment liability policy set out in the Third Schedule; and d) remit to the Authority the application fees specified in the Fourth Schedule. (2) An application under sub-regulation (1) shall be made at least thirty days before the expiry date of the licence. (3) Within thirty days after an application being made under sub-regulation (1), the Authority shall issue a successful applicant with a licence in the form set out in Part IV of the First Schedule. (4) Where an application being made under sub-regulation (1) is rejected, the Authority shall notify the applicant of the reasons thereof, in writing, within seven days of the rejection.
Amendment of licence.	8. (1) A licencee may apply to the Authority for an amendment to their licence for the following reasons— (a) an error in the text of the licence; or (b) a change in the name of the licencee; or

	(c) a change of the premises indicated on the bunkering business licence; or (d) a change in the postal address of the licencee. (2) Within thirty days of any of the changes referred to in sub-regulation (1) taking effect, a licencee shall make an application for the amendment of the licence as set out in Part V of the First Schedule and remit to the Authority the application fees specified in the Fourth Schedule. (3) Where an application made under sub-regulation (1) is based on the change of premises, the licencee shall attach a county business permit in respect of the proposed premises issued by the respective County Government. (4) Where an application made under sub-regulation (1) is based on the change of the name of the licencee, the following documents shall be attached, — (a) the particulars of the shareholders and directors issued by the Registrar of Companies in accordance with the Companies Act, Cap. 486 (b) a notice of change of particulars lodged in accordance with section 9 of the Registration of Business Names Act. Cap.499. (5) The application under sub-regulation (4) shall be made within thirty days of effecting the changes

	(6) Upon considering an application made under sub-regulation (1), the Authority shall issue a successful applicant with an amended Bunker Fuel Supply licence in the form set out in Part IV of the First Schedule.
Transfer of licence.	9. (1) A person who intends to transfer a licence shall— (a) submit an application in writing to the Authority specifying the proposed changes; (b) remit to the Authority the fees specified in the Fourth Schedule. (2) Within thirty days after receiving the application submitted under sub-regulation (1), the Authority shall review and make a determination. (3) Where an application submitted under sub-regulation (1) is rejected, the Authority shall notify the person of the reasons thereof in writing within seven days.
Obligations of the licencee.	10. (1) Upon being issued with a licence, the licencee shall— (a) operate the facility on which the Bunkering Business is being conducted in compliance with the Act; (b) undertake maintenance of the facility on which the Bunkering Business is being conducted; (c) comply with the Kenya Standards or International Standards approved by KEBS for Bunkering Business; (d) unless importing Bunker Fuels, only purchase Bunker Fuels from an entity licensed by the Authority;

	(e) only sell Bunker Fuels in Kenya to a holder of a licence, or a consumer for own consumption; (f) enter into contracts for the transportation of Bunker Fuels with persons who hold a valid licence issued by the Authority; (g) load Bunker Fuels from a storage facility with a valid licence issued by the Authority; (h) discharge Bunker Fuels to a storage facility which has a valid Bunkering Business licence issued by the Authority or to consumers; and (i) transport Bunker Fuels in tankers that have valid permits issued by the Authority (2) A licencee who does not comply with sub-regulation (1) commits an offence and shall be liable upon conviction to the penalty, as set out in Fifth Schedule of these Regulations.
Suspension or revocation of a licence.	11. (1) The Authority may suspend or revoke a licence if the licencee does not comply with the Act, these Regulations or the conditions of the licence. (2) Prior to sub-regulation (1), the Authority shall give a notice of fourteen days to the licencee requiring them to show cause as to why the licence should not be suspended or revoked. (3) The notice to show cause issued in sub-regulation (2) shall contain information to enable the licencee to know the specific incidence(s) of noncompliance. (4) The Authority shall determine the matter within thirty days from the expiry of the notice.

	(5) A suspension or revocation of the licence shall not indemnify the licencee of any penalties for which such person may have become liable under these Regulations.
PART III – BUNKERING OPERATIONS	
Designation and Location Requirements	12. (1) Bunkering operations shall be carried out at designated bunkering points as determined by the relevant state agencies. (2) A person shall not undertake bunkering operations outside the designated bunkering points without approval from the Authority. (3) A person who contravenes sub-regulation (2) shall commit an offence and be liable to penalties as set out in the Fifth Schedule
Regulatory compliance to Marine, Port and relevant authorities	13. (1) Bunkering operations shall comply with - (a) relevant provisions under the Merchant Shipping Act Cap. 389 and its subsidiary regulations; (b) relevant provisions under the Petroleum Act Cap. 308 and its subsidiary regulations; (c) relevant provisions under the EMCA Cap. 387 and its subsidiary regulations; (d) relevant provisions under the OSHA Cap. 236A and its subsidiary regulations; (e) relevant provisions under the KPA Act Cap. 391 and its subsidiary regulations; (f) relevant provisions of the Kenya Revenue Authority Act, CAP.469 and its subsidiary regulations; and (g) applicable Kenya and international standards. (2) In furtherance to sub-regulation (1), Bunkering Operations shall comply with

	applicable international conventions ratified by Kenya, including: (a) International Convention for the Prevention of Pollution from Ships (MARPOL); (b) International Maritime Organization instruments relating to maritime safety; and (c) Recognized international bunkering standards including ISO standards applicable to marine fuel transfer.
Bunkering Operations and Safety Measures	14. Bunkering operations shall be carried out in the following modes a) Ship to Ship (STS) – Transfer from a bunker barge or bunker ship to the receiving vessel. b) Truck to Ship – Fuel supplied from tanker trucks via hoses at port. c) Pipe to Ship – Fixed shore pipelines delivering fuel directly to the ship's bunker manifold valves.
Conduct of Bunkering Operations	15. (1) Prior to Bunkering Operations, the licencee shall liaise with the Vessel Master to – a) Confirm Bunker fuel specifications; b) Confirm Expected Bunker Fuel temperature and grade; c) Confirm Available storage for Bunker fuels; d) Check Bunker Fuel contamination analysis procedures; e) Coordinate with surveyors for bunker fuel survey & inspection. (2) A licencee in liaison with the Vessel Master shall not commence Bunkering Operations unless –

	a) a pre-bunkering meeting has been conducted between the receiving Marine Vessel and the licencee; b) a bunkering checklist as provided for under Sixth Schedule of these Regulations has been completed and signed by both parties; c) communication systems between the licencee and the receiving Marine Vessel have been tested and confirmed to be operational; and d) emergency shutdown procedures have been agreed upon. (3) During Bunkering Operations, the licencee in liaison with the Vessel Master shall - a) ensure continuous monitoring of transfer rates and Bunker Tank levels; b) always station a Competent Person at the manifold; c) place drip trays beneath hose connections; d) plug all scuppers and secure overboard discharge valves; e) ensure hoses are properly secured and supported; and f) immediately suspend operations in the event of leakage, overflow or unsafe conditions. (4) Upon completion of Bunkering Operations, the licencee in liaison with the Vessel Master, shall ensure that – a) the hoses are drained and blanked; b) the bunker delivery documentation are issued and signed by both parties; and c) the Bunker fuel samples are drawn, sealed and retained in accordance with these Regulations and applicable standards.

PART IV – ENVIRONMENT, HEALTH, SAFETY AND QUALITY	
Environmental Protection Measures	16.A licencee shall implement pollution control measures required under the relevant environmental laws and regulations of Kenya, including: a) installation of spill containment systems for above-ground storage at onshore storage facilities, which shall include bund systems; b) double-walled hulls in the bunkering vessel design; c) recovery systems to collect oil spillages and contaminated fuel, such as an oil water separator compliant with effluent discharge requirements as set by Environmental Management and Coordination (Water Quality) Regulations, 2024; d) Provision of oil-absorbent materials and spill kits for emergency use during Bunkering Operations; e) Access to spill containment booms; and f) implementing waste management measures such as proper procedures for the handling, storage, and disposal of hazardous wastes which shall constitute used oil and contaminated materials as required under Environmental Management and Coordination (Waste Management) Regulations, 2024;
Safety	17. (1) A licencee shall comply with all provisions of the Occupational Safety and Health Act, Cap. 236A and any subsidiary legislation. (2) The licencee shall: (a) conduct risk assessment prior to Bunkering Operations;

	(b) establish, implement and maintain an Emergency Response Plan; (c) conduct safety drills annually; (d) provide visible and audible high-level alarm for monitoring fuel levels during Bunkering Operations; (3) A Competent Person shall be on duty at all times and be responsible for supervising, observing, or controlling the dispensing of Bunker Fuels.
Product Quality and Marking	18. (1) A Licencee shall ensure that Bunker Fuel complies with – (a) the Kenya Standard or any other International Standard approved by the KEBS; (b) the International Convention for Prevention of Pollution by Ships (MARPOL Annex VI) (2) A Licencee shall ensure that Bunker Fuels are marked in accordance with the Petroleum (Quality Management), Regulations 2025; (3) A Licencee who contravenes sub-regulations (1) and (2) commits an offence and shall be liable to the penalties specified under section 92(2) of the Act;
Training	19. (1) A licencee shall ensure that all personnel involved in Bunkering Operations receive mandatory initial training prior to assignment of duties, and periodic refresher training thereafter. (2) The mandatory training shall cover, at a minimum: (a) relevant ISO standards on transfer of Bunker Fuels to vessels;

	(b) safety and regulatory compliance with a focus on MARPOL Annex VI, the International Safety Management Code and the International Convention for the Safety of Life at Sea; (c) relevant ISO standards on fuel sampling techniques; (d) safe fuel handling and transfer operations; and (e) spill and fire prevention measures and emergency response.
PART V – DATA REPORTING AND VERIFICATION	
Declaration of Bunker Fuels sales and purchases	20. (1) A licencee shall submit information to the Authority by the 10th day of each calendar month in the form and manner as prescribed under these Regulations as specified in Seventh Schedule. (2) The information in sub-regulation (1) shall include – (a) In the case of Bunker Fuel Supply (ship to ship)- i. the name of the Marine Vessel receiving the Bunker Fuel; ii. the date of completion of sale of Bunker Fuel; iii. details of the tax invoice where applicable; iv. the quantity of the Bunker Fuel loaded; v. details of the bunker delivery note; and vi. the bunker vessel name and registration details (b) In the case of Bunker Fuel Supply (truck to ship)- i. the name of the Marine Vessel receiving the Bunker Fuel; ii. the date of completion of sale of Bunker Fuel;

	iii. details of the tax invoice where applicable; iv. the quantity of the Bunker Fuel loaded; v. details of the bunker delivery note; and vi. the truck registration details. (c) In the case of Bunker Fuel Supply (pipe to ship)- i. the name of the Marine Vessel receiving the Bunker Fuel; ii. the date of completion of Bunker Fuel; iii. details of the tax invoice where applicable; iv. the quantity of the Bunker Fuel loaded; v. details of the bunker delivery note; and vi. where Bunker Fuel is backloaded from the shore tank to a bunker vessel, provide quantity and specifications of product loaded. (3) The Authority may require the information in sub-regulation (2) to be declared on the Authority's online portal. (4) A licencee who fails to declare the information required in sub-regulation (1) in the prescribed format commits an offence and shall be liable upon conviction to a fine as stipulated in Fifth Schedule. (5) A licencee who deliberately gives false or misleading information commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in Fifth Schedule.
Records to be kept	21. (1) A licencee shall maintain daily records of opening stock, sales and closing stocks of Bunker Fuels for at least 5 years.

	(2) A licencee who fails to keep records as required under sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fifth Schedule
Information on Storage of Bunker Fuels	22. (1) A licencee who stores Bunker Fuels shall submit the information to the Authority the 10th day of each calendar month in the form and manner as prescribed under these Regulations as specified in Seventh Schedule. (2) The information in sub-regulation (1) shall include- (a) the operational storage capacity for Bunker Fuels by grade; (b) monthly opening and closing stock volumes; (c) total monthly throughput of Bunker Fuels by grade; and (d) ownership of Bunker Fuels in the case that a facility is a common user. (3) A licencee who fails to submit the records as required under sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines as set out in Fifth Schedule
PART VI – GENERAL PROVISION	
Display of licence at premises	23. (1) Bunkering Business Licence or certified copies thereof, as the case may be, shall be displayed prominently at the premises in respect of which it is issued. (2) A licencee who contravenes sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines as set out in Fifth Schedule
Ownership of licence	24. A licence shall at all times remain the property of the Authority.

Loss of licence	25. (1) Where a licencee loses a licence, the licencee shall— (a) submit an online application to the Authority for the replacement of the licence; (b) attach a police abstract detailing the loss; (c) attach a sworn affidavit on the circumstances leading to the loss; and (d) remit to the Authority the prescribed fees as set out in the Fourth Schedule. (2) Within 30 days after receiving a materially complete request submitted under sub-regulation (1), the Authority shall issue a licence in Form set out in Part IV of the First Schedule (3) Where a request submitted under sub-regulation (1) is rejected, the Authority shall notify the licencee with reasons for the rejection in writing within 7 days of the rejection.
Tampering with or defacing a licence	26. (1) A licencee shall not tamper with or deface a licence. (2) Where a licence is tampered with or defaced , the licencee shall— (a) submit an online application to the Authority for the replacement of the licence; (b) attach a police abstract detailing the tampering with or defacement of the licence; (c) attach a sworn affidavit on the circumstances leading to the tampering with or defacement of the licence; and (d) remit to the Authority the fee as set out in the Fourth Schedule

	(3) Within thirty days after receiving a materially complete request submitted under sub-regulation (2), the Authority shall issue the licencee a licence in the Form set out in Part IV of the First Schedule (4) Where a request submitted under sub-regulation (2) is rejected, the Authority shall notify the licencee with reasons for the rejection in writing within 7 days of the rejection.
Reporting of accidents or incidents	27. (1) A licencee shall, within forty-eight (48) hours of the occurrence of an accident or incident, notify the Authority in the form and manner prescribed in the Eighth Schedule. (2) The threshold of reportable accidents or incidents includes those causing:- (a) loss of life or permanent total disability; or (b) damage to property or to the environment of more than Kshs 1,000,000; or (c) a spill of 100 litres or more; or (d) fire or explosion resulting in (a) or (b) above. (3) A licencee who fails to comply with sub-regulation (1) commits an offence and shall be liable to the fines and penalties as set out in Fifth Schedule
Investigation of accidents or incidents	28. (1) A licencee shall conduct detailed investigations into any accident reported under regulation 27 within 14 days from the date of the incident or any such extended period as approved by the Authority and submit a report containing among other details the: (a) cause of the accident; (b) environmental effects of the accident;

	(c) economic impacts of the accident; (d) health impacts of the accident; and (e) proposed remedial measures and timelines thereof. (2) The Authority shall review the report under sub-regulation (1) within 30 days and – (a) accept the report; or (b) reject the report, giving reasons. (3) Notwithstanding provisions of sub-regulations (1) and (2), the Authority may conduct its own investigation.
General penalty.	29. A person who commits an offence under these Regulations for which no specific penalty is provided or who otherwise contravenes these Regulations shall, on conviction, be liable to a penalty, not exceeding twenty thousand shillings or such term of imprisonment not exceeding six months, or both
Appeal against the decisions of the Authority	30. A licencee aggrieved by a decision of the Authority under these Regulations may appeal to the Tribunal in accordance with the provisions under section 85 of the Act.
Transitional Clause	31. All persons engaging in Bunkering Business shall be required to comply with these Regulations within 6 months from the date of coming into force.
Dated ..... 2026 **HON JAMES OPIYO WANDAYI, EGH** **Cabinet Secretary** **Ministry of Energy and Petroleum**	

SCHEDULES

FIRST SCHEDULE

Regulation 5(1)(b)

PART I - REQUIREMENTS FOR THE LICENCE FOR SUPPLY OF BUNKER FUELS (SHIP TO SHIP)

1.	Certificate of Incorporation / Business Registration Certificate;
2.	CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
3.	Legible Copies of Identification Documents (IDs/Passports for all directors);
4.	Valid Work Permits Class "G or D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
5.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
6.	Proof of application for membership to an Oil Spill Contingency Group;
7.	A valid Single Business Permit for the premises of operation from the respective County Government;
8.	A valid requisite vessel safety licence and certification from KMA;
9.	A valid calibration certificate for each bunker vessel tank(s);
10.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act;
11.	A valid certificate of calibration of the mass flow meters from the Department of Weights and Measures;
12.	A pressure test report for the barge tanks and the delivery hoses;
13.	Clearance letter from KMA on compliance with International Oil Pollution Compensation Fund;
14.	Proof of ownership of the bunker vessel(s);
15.	Proof of installation and testing of Automatic identification systems (AIS) for the bunker vessels;
16.	A summary Emergency Response Plan;
17.	Proof of training of crew on Bunkering Operations; and
18.	Proof of installation and testing of communication devices for use during bunkering operations.

PART II - REQUIREMENTS FOR THE LICENCE FOR SUPPLY OF BUNKER FUELS (TRUCK TO SHIP)

1.	Certificate of Incorporation / Business Registration Certificate;
2.	CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
3.	Legible Copies of Identification Documents (IDs/Passports for all directors);
4.	Valid Work Permits Class "G or D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
5.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
6.	Proof of application for membership to an Oil Spill Contingency Group;
7.	A valid Single Business Permit for the premises of operation from the respective County Government;
8.	Valid calibration certificate(s) for the petroleum tanker(s);
9.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act;
10.	A valid certificate of calibration of the mass flow meters from the Department of Weights and Measures;
11.	A pressure test report for the delivery hoses;
12.	A summary Emergency Response Plan;
13.	Proof of training of operators in Bunkering Operations; and
14.	Proof of installation and testing of communication devices for use during bunkering operations.

PART III - REQUIREMENTS FOR THE LICENCE FOR SUPPLY OF BUNKER FUELS (PIPE TO SHIP)

1.	Certificate of Incorporation / Business Registration Certificate;
2.	CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
3.	Legible Copies of Identification Documents (IDs/Passports for all directors);
4.	Valid Work Permits Class "G or D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
5.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
6.	Proof of application for membership to an Oil Spill Contingency Group;
7.	A valid Single Business Permit for the premises of operation from the respective County Government;
8.	Proof of ownership or access to a licensed bulk storage facility;
9.	Valid calibration certificate for the bunker fuel storage tank(s);
10.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act;
11.	A valid certificate of calibration of the mass flow meters from the Department of Weights and Measures;
12.	Valid pressure test reports for the backloading/bunkering delivery lines not older than one year;
13.	A summary Emergency Response Plan; and
14.	Proof of training of operators on Bunkering Operations.

PART IV – FORM OF LICENCE

Energy & Petroleum Regulatory Authority

THE PETROLEUM ACT, 2019

BUNKERING BUSINESS LICENCE

No. EPRA/PET _____

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

LICENCE NAME

On premises situated at : _____

Plot No. : _____

Building _____ : _____

Street/Market : _____

Town/County : _____

This licence expires on : _____

Dated this: _____

(Signature)

_____

(Seal)
Director General
Energy & Petroleum Regulatory Authority

PART V- AMMENDMENT OF BUNKERING BUSINESS LICENCE

1. Indicate the type of amendment you would wish to make (*tick as appropriate*):
   - ☐ An error in the text of the licence; or
   - ☐ A change in the name of the licencee; or
   - ☐ A change of the premises indicated on the bunker fuel supply licence;

or

   - ☐ A change of the postal address of the licencee.
2. Criteria to be met for amendment of a licence is attached in this regulation.
   a. An error in the text of the licence
      i. Letter request to make corrections
   b. Change of Premises
      i. A valid Single Business Permit for the premises of operation from the respective County Government
   c. Change of Business/Company Name
      i. Certified copy of CR12/CR13 from the Registrar of companies (Not older than *twelve (12) months from the date of issue as at the date of submission*); and
      ii. Certified copy of Certificate of Change of Name
   d. A change of the postal address of the licencee
      i. Letter indicating the changed details

SECOND SCHEDULE
RENEWAL OF LICENCE

Regulation 7(1)(b)

PART I - REQUIREMENTS FOR RENEWAL OF LICENCE FOR SUPPLY OF BUNKER FUELS (SHIP TO SHIP)

1.	CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
2.	Legible Copies of Identification Documents (IDs/Passports for all directors);
3.	Valid Work Permits Class "G or D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
4.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
5.	Proof of application for membership to an Oil Spill Contingency Group;
6.	A valid Single Business Permit for the premises of operation from the respective County Government.
7.	A valid requisite vessel safety licence and certification from KMA;
8.	A valid calibration certificate for each bunker vessel tank(s);
9.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act;
10.	A valid certificate of calibration of the mass flow meters from the Department of Weights and Measures;
11.	A pressure test report for the barge tanks and the delivery hoses;
12.	Clearance letter from KMA on compliance with International Oil Pollution Compensation Fund;
13.	Proof of ownership of the bunker vessel(s);
14.	Proof of installation and testing of Automatic identification systems (AIS) for the bunker vessels;
15.	A summary Emergency Response Plan;
16.	Proof of training of crew on Bunkering Operations;
17.	Proof of submission of annual sales data; and
18.	Proof of installation and testing of communication devices for use during bunkering operations.

PART II - REQUIREMENTS FOR RENEWAL OF LICENCE FOR SUPPLY OF BUNKER FUELS (TRUCK TO SHIP)

1.	CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
2.	Legible Copies of Identification Documents (IDs/Passports for all directors);
3.	Valid Work Permits Class "G or D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
4.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
5.	Proof of application for membership to an Oil Spill Contingency Group;
6.	A valid Single Business Permit for the premises of operation from the respective County Government.
7.	Valid calibration certificate(s) for the petroleum tanker(s);
8.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act;
9.	A valid certificate of calibration of the mass flow meters from the Department of Weights and Measures;
10.	A pressure test report for the delivery hoses;
11.	Clearance letter from KMA on compliance with International Oil Pollution Compensation Fund;
12.	A summary Emergency Response Plan;
13.	Proof of training of operators in Bunkering Operations;
14.	Proof of submission of annual sales data; and
15.	Proof of installation and testing of communication devices for use during bunkering operations.

PART III - REQUIREMENTS FOR RENEWAL OF LICENCE FOR SUPPLY OF BUNKER FUELS (PIPE TO SHIP)

1.	CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs);
2.	Legible Copies of Identification Documents (IDs/Passports for all directors);
3.	Valid Work Permits Class "G or D" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document);
4.	A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority;
5.	Proof of application for membership to an Oil Spill Contingency Group;
6.	A valid Single Business Permit for the premises of operation from the respective County Government;
7.	Proof of ownership or access to a licensed bulk storage facility;
8.	Valid calibration certificate for the bunker fuel storage tank(s);
9.	A duly executed Environment Liability Policy in accordance with Section 79 of the Act;
10.	A valid certificate of calibration of the mass flow meters from the Department of Weights and Measures;
11.	Valid pressure test reports for the backloading/bunkering delivery lines not older than one year;
12.	Clearance letter from KMA on compliance with International Oil Pollution Compensation Fund;
13.	A summary Emergency Response Plan;
14.	Proof of training of operators on Bunkering Operations; and
15.	Proof of submission of annual sales data

THIRD SCHEDULE
Regulation 5(1)(c), 7(1)(c)

ENVIRONMENT LIABILITY POLICY

(NAME OF COMPANY) is committed to the protection and preservation of the environment. We will continuously improve our performance and initiate additional projects and activities that will further reduce our impacts to the environment.

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

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

Signature: .....

Designation:.....

Stamp/Seal:.....

Review date:.....

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

FOURTH SCHEDULE
Regulation 5(1)(d), 7(1)(d), 9(1)(b), 8(2), 25(1)(d), 26(1)(d)

FEES SCHEDULE

Description-Category of Licence Fees	New Application (Amount in Kshs)	Renewal Application (Amount in Kshs)	Amendment Application (Amount in Kshs)	Replacement of licence application	Transfer of licence
Bunker Fuel Supply licence	5,000	2,000	1,000	1,000	1,000

FIFTH SCHEDULE

Regulations 5(5), 10(2), 12(3), 20(4), 20(5), 18(1), 21(2), 22(3), 23(2), 27(3)

OFFENCES, FINES AND PENALTIES

Regulations	Offence	Fine and Penalty
5(6)	Undertaking an supply of Bunker Fuels without a valid licence	On admission of offence, Kshs. 20,000 for each offence; or Upon conviction, a fine of not less than Kshs 1,000,000, or imprisonment for a term of not less than 3 years, or both such fine and imprisonment, as prescribed in the Act (§ 74(3)(b)).
10(2)	Failure to comply with licence conditions	Ksh 500,000 for every contravention of the licence conditions
12(3)	Conducting bunkering operations outside designated bunkering points	Ksh 500,000 for every case of non-compliance
18(1)	Sale of bunker fuels that does not meet the Kenya standards or international standards ratified by KEBS	On conviction, a fine of not less than Kshs 1,000,000, or imprisonment for a term of not less than 2 years or both
20(4)	Failure to submit data	Ksh 100,000 for every month not submitted
20(5)	Submission of false or Misleading information	Ksh 100,000
21(2)	Failure to retain records	Ksh 100,000
22(3)	Failure to submit data on storage of bunker fuels	Ksh 300,000
23(2)	Failure to display licence	Ksh 50,000
27(3)	Failure to report accidents/incidents	Ksh 100,000

SIXTH SCHEDULE
Regulations 15(2)(b)

BUNKERING CHECKLIST

Pre-Loading Plan template				
Fill sequence/ Tank No/ Bunker Fuel grade	Maximum capacity	Sounding before bunkering	Planned final soundings after bunkering	Percentage full after bunkering
	m^3 T	m^3 T	m^3 T	m^3 T
Mode of bunker delivery (i.e. Truck to Ship, Ship to Ship or Pipe to Ship)				
Recommended fuel delivery rate				
Maximum fuel delivery rate			Start time	
Topping off fuel delivery rate			Stop time	
Total Bunkers to be taken			m^3 T	
Notes and special instructions (crew assignments, monitoring procedures, value alignments, etc.):				

Pre-bunkering checks	
	Officer on deck informed (red 'B' flag, red light)
	Local port regulations are observed, Local port authorities notified
	Type and quality of bunker fuels agreed
	Bunkering system checked and operational (relevant fuel lines and valves in open/closed position)
	Tank level indicators operating and calibrated
	Necessary deck lights on, when applicable
	Overflow tank is drained and the alarm is operating
	Safe access to barge arranged, when applicable

	State of adjacent water noted, oil free
	Drip tray drained and plugs inserted
	All hot work has been suspended
	Safety signs in place
	All scupper plugs in place
	Firefighting equipment in place
	All bunker hoses inspected, in good condition
	Bunker barge is securely moored alongside / truck in safe position
	Connection inspected (bunker points not in use securely blanked and checked for leakage)
	Oil meter on barge / truck / ashore inspected
	Communication checks completed, engine room to bunker station and supplier (VHF channel)
	All concerned bunker tanks sounded, capacity and free volume checked
	SOPEP equipment prepared / standby
	Arrangements made for two fuel oil samples to be taken and stored on board in accordance with the IMO's guidelines.
	Emergency stop procedure discussed and agreed with supplier
	Risk assessment and tool box meeting carried out
	Crew involved have read and understood the company is bunkering procedures
	Sufficient crew available for carrying out the bunkering operations in a safe manner
	Material Safety Data Sheet provided by supplier (SOLAS requirement)
	Experienced crewman designated to standby at the manifold and monitor the bunkering operation
	Length of hose allows for any expected fall and rise in height of tide
	Samples taken and grade of bunkers confirmed as acceptable

During Bunkering Checks	
	Commence bunkering at minimum agreed pumping rate
	Soundings carried out before increasing the pumping rate
	Monitor the maximum agreed supply line pressure, check for suspicious signs that may indicate cappuccino delivery (injecting air in the bunkers)
	Examine supply line, connections, sounding pipes, air vents for leakages
	Frequent sounding, and when fitted remote level-reading carried out and compare readings. Are levels as expected?
	Request reduction of pumping rate early enough and/or open next tank before topping-off
	Close valves of completed tanks

	Always notify supplier at time of changing tanks and when last tank starts to be filled
	Give suppliers timely warning to stop pumping
	Ensure sufficient ullage in final tank for hose draining and line blowing

After Bunkering Checks	
	Hoses and lines drained
	All flanges and valves closed properly, blank-off manifold
	Barge / truck tanks jointly sounded, quantities determined and agreed with supplier after completion and before disconnecting the hose
	Check sounding / quantities on all ship's tanks
	Complete all bunker documents, bunker receipt received
	Disconnection of the supply hose only with Chief Engineer agreement and after completion of paperwork
	Scuppers unplugged, SOPEP and fire-fighting equipment stowed
	Inform the crew about end of bunkering operation
	Complete the Oil Record Book, Deck and Engine Log Books
	Bunkering signals cancelled
	Bunker Delivery Note stipulates the flashpoint of the fuel if <70°c or statement if ≥70°c

Signoff	
Vessel Master	Signature
Chief Engineer	Signature
Supplier representative	Signature

SEVENTH SCHEDULE
Regulations 20(1)

BUNKER FUEL SUPPLY REPORTING

FORM 1 **BUKER FUEL SUPPLY REPORTING REQUIREMENTS**			
Name of Bunker Business Licensee:			
EPRA Licence No.:			
Reporting Period:	_____(Month) _____ (Year)		
Date of Submission:	_____		
Purchases:	Product:		
	Total Volume(m^3):		
	Storage depot 1:	Volume (m^3) :	
	Storage depot 2:	Volume (m^3) :	
Sales	Local Market	Total Volume (m^3):_____ a. By Barge to consumers_____County _____ Volume (m^3)_____ b. By Truck to Consumers:_____County _____ Volume (m^3)_____	

			c. From terminal to consumer:_____County _____ Volume (m^3)_____
		Export Market	Total Volume (m^3) :_____ a. Country 1:_____Volume (m3)_____ b. Country 2:_____Volume (m3)_____

Regulations 22(1)

BUNKER FUEL STORAGE REPORTING

FORM 1 **BUNKER FUEL STORAGE FACILITIES REPORTING REQUIREMENTS**				
PART A				
Name of storage facility:				
EPRA Licence No.:		**Type of Storage: (Private, Common User, Strategic Stocks):**		
Reporting Period	(Month)		(Year)	
Date of Submission:				
GPS:	**Longitude:**_____		**Latitude:**_____	
Location:	**County:**		**Sub-County:**	
Storage Capacity:	**Total Storage Capacity (m^3):**			
	i.	Low Sulphur Fuel Oil		Volume (m3):
	ii.	Automotive Gasoil		Volume (m^3):

	iii.	Liquefied Natural Gas	Volume (Mt):
	iv.	Hydrogen	Volume(m^3):
	v.	Ammonia	Volume (m^3):
PART B **1 – 6 to be completed for each bunker fuel held at the storage facility***			
Product:			
1.	**Opening Stock:** Total _____m^3 = Operational Stock _____m^3 + Deadstock _____ m3 ** At the beginning of the reporting period as prescribed by the Authority*		
2.	**Total Receipts:** _____*m^3:* (i) Ship: _____ m^3 (ii) Pipeline _____ m^3 (iii) Trucks _____ m^3		
3.	**Total Loadings/offtakes:** _____ m^3 (i) Pipeline _____ m^3 (ii) Trucks _____ m^3 (iii) Ship (back loading) _____ m^3		
4.	**Loading/offtake Destination** _____ m^3 (i) Local Market: _____ m^3 (ii) Export Market: _____ m^3		
5.	**Operational Stock Losses Total:** _____ m^3 _____% (i) Product 1 _____ m^3 _____%		

	(ii) Product 2 _____ m^3 _____% (iii) Product 3_____m^3_____%
6.	**Closing Stock:** Total _____m^3 = Operational Stock _____m^3 + Deadstock _____ m^3 * *At the end of the reporting period as prescribed by the Authority*
Incidences:	* *Comment on any incidents including any non-operational losses*

EIGHTH SCHEDULE

Regulations 27(1)

INCIDENT REPORTING

FORM 6

ACCIDENT OR INCIDENT REPORT

Energy & Petroleum Regulatory Authority

Name of Bunkering Business Licensee:		
EPRA Licence No. :		**Expiry Date:**
Type of Accident or Incident (Fire, Spill):		

PREMISE INFORMATION (INCASE OF A BUNKER FUEL STORAGE FACILITY):

Name of Premise:		
GPS:	**Longitude:**	**Latitude:**
Location:	**County:**	**Sub-County:**
Product Involved:		

VESSEL INFORMATION (INCASE OF BUNKERING VESSEL):

Bunkering Vessel Registration No.:		
Bunkering Vessel Permit No.:		**Expiry Date:**
Cargo on Board:		
Origin:		
Destination:		

DETAILS OF INCIDENT/ACCIDENT:

Date:		**Time:**
Location and geographical spread of incident or accident		

Scale of environmental damage if any	**Spill area (m^2)_____** **Liquid Volume (m^3) _____** **Area impacted (m^2)_____**
Own and third party property damage if any	
Number of Injuries and/or Fatalities if any	

DESCRIPTION OF THE EVENTS LEADING TO AND THE MOST PROBABLE CAUSE OF THE INCIDENT AND ACCIDENT:

PLEASE ATTACH ANY INFORMATION THAT IS RELEVANT TO THE REPORT WHERE APPROPRIATE