*(Legislative Supplement No xxx )*

LEGAL NOTICE NO.

THE PETROLEUM ACT
*(Cap.308)*

THE PETROLEUM (AVIATION GASOLINE BUSINESS LICENSING AND FACILITY CONSTRUCTION PERMIT) REGULATIONS, 2026

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IN EXERCISE of the powers conferred by section 101(b), 101(m) and 101(bb) 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 (AVIATION GASOLINE BUSINESS LICENCING AND FACILITY CONSTRUCTION PERMIT) REGULATIONS, 2026**

| **PART I - PRELIMINARY** | |
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| **Citation.** | 1. These Regulations may be cited as the Petroleum (Aviation Gasoline Business Licensing and Facility Construction Permit) Regulations, 2026. |
| **Abbreviations** | 2. (1) AVGAS means aviation gasoline<br>(2)NEMA means the National Environment Management Authority;<br>(3) KEBS means the Kenya Bureau of Standards;<br>(4) EMCA means the Environmental Management and Co-ordination Act; |
| **Interpretation.** | 3. (1) The terms that are used in these Regulations and not explicitly defined shall have the same meaning as prescribed under the Petroleum Act, Cap. 308<br><br>(2) In these Regulations, unless the context otherwise requires –<br>**"Act"** means the Petroleum Act, Cap. 308; |

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| | **"Aircraft"** means a device that is used or intended to be used for flight in the air for transportation of personnel or cargo;<br><br>**"Authority"** means the Energy and Petroleum Regulatory Authority established under Section 9 of the Energy Act, Cap. 314;<br><br>**"AVGAS business licence"** means a document authorizing business undertaking involving importation, storage, export, wholesale, transportation and retail of AVGAS;<br><br>**"AVGAS logistics facility"** means any premises where AVGAS is received, stored, packaged in drums, loaded, offloaded or sold;<br><br>**"Aviation Gasoline (AVGAS)"** means specially blended premium motor spirit used to power reciprocating piston aircraft engines;<br><br>**"Construction Permit"** means an authorization issued by the Authority under these Regulations to develop or modify an AVGAS logistics facility;<br><br>**"Drum"** means vessel typically of 210 litres capacity designed in compliance with ISO/ANSI MH2a or ISO 15750-2 to protect against mechanical damage to the lining used either for international transportation of AVGAS by sea, rail or road or for use as temporary storage of AVGAS;<br><br>**"Local use"** means AVGAS which has, upon importation, been declared for use in Kenya;<br><br>**"Non-civilians"** means members of state armed forces; |

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| | **"Off-specification product"** means a product which fails to meet one or more of the physical, chemical, or performance requirements of the specification;<br><br>**"Oil Marketing Company"** means a company licensed under the Act to import AVGAS into Kenya;<br><br>**"Out of specification"** means a grade of refined petroleum products not meeting the set requirements and performance standards as set by the applicable Kenya standards;<br><br>**"Person"** means a person as defined in the Act;<br><br>**"Primary Containment"** means containment of fuel container (truck, tank, barrel, blivets, bladders, etc.) as a primary means to hold or contain fuel in the immediate vicinity;<br><br>**"Retail" of AVGAS** means retail as defined in the Act;<br><br>**"Secondary Containment"** means structure or system designed to prevent the accidental release of fuel from a primary containment system;<br><br>**"Specification"** has the meaning assigned to it in section 2 of the Standards Act;<br><br>**"Storage and loading depots"** mean licensed premises where petroleum tankers can collect AVGAS for delivery to other petroleum businesses for resale or a consumer's own use;<br><br>**"Storage Tank"** means a large container used for liquid (fluid) storage; |

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| | **"Strategic Stocks"** has the same meaning as defined in the Act;<br><br>**"Transport and storage agreement"** means a contract between the operator of an AVGAS logistics facility and users executed for the purpose of storage and transmission of AVGAS through the system by the operator; and<br><br>**"Tribunal"** means the Energy and Petroleum Tribunal established under the Energy Act, Cap. 314. |
| **Application of these Regulations.** | 4. (1) These Regulations shall apply to –<br>(a) a person undertaking AVGAS business; and<br>(b) a person undertaking construction of an AVGAS logistics facility.<br>(2) These Regulations shall not apply to<br>a) the non-civilian applications;<br>b) Transport of AVGAS where the total volume does not exceed one thousand litres and not intended for sale.<br>c) procurement of AVGAS for strategic stocks. |
| **PART II – AVIATION GASOLINE LOGISTICS FACILITY CONSTRUCTION PERMIT** | |
| **Prohibition on construction without a Construction Permit.** | 5. (1) A person shall not undertake construction or modification of an AVGAS logistics facility without obtaining a construction permit issued by the Authority under the Act.<br>(2) Notwithstanding sub-regulation (1), emergency works may be undertaken without a Construction Permit provided that the authorisation is sought from the Authority within sixty (60) days of commencement of the works.<br>(3) The emergency works in sub-regulation (2) may include construction works meant to prevent |

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| | escalation of loss of containment, in the event of an oil spill or gas release and fires.<br>(4) No Construction Permit shall be required for the construction of a pipeline within an AVGAS logistics facility.<br>(5) The Authority may direct a person to cease the construction of an AVGAS logistics facility where –<br><br>(a) the construction is being undertaken without a valid Construction Permit issued by the Authority; or<br>(b) the construction is in breach of the terms and conditions set forth by the Authority; or<br>(c) the approval of the Construction Permit was based on false information or forged documents.<br><br>(6) A person who undertakes the construction of an AVGAS logistics facility without a valid Construction Permit issued by the Authority commits an offence and shall be liable on conviction to the fines and penalties set out in the Fourth Schedule. |
| **Application for a construction permit.** | 6. (1) A person who wishes to undertake the construction of an AVGAS logistics facility shall make an application for a Construction Permit to the Authority in the form and manner prescribed in Part I of the First Schedule<br>(2) The application in sub-regulation (1) shall be accompanied by:-<br><br>(a) a copy of detailed engineering designs and specifications prepared and stamped by a professional engineer or firm(s) registered as such;<br><br>(b) the engineering designs in sub-regulation (2)(a) shall, at minimum, take into consideration the provisions of the relevant |

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| | Kenya Standards and International Standards for AVGAS logistics facilities;<br><br>(c) a priced bill of quantities prepared and stamped by the respective class of Engineer(s) or Quantity Surveyor (s);<br><br>(d) an outline of methods of financing the project;<br><br>(e) proof of ownership of the land on which the logistics facility is to be built upon;<br><br>(f) a letter of allotment from the relevant agency in the absence of land ownership documents ;<br><br>(g) a duly registered lease for a minimum period of five (5) years shall be provided if the land is not in the name of the person undertaking the development;<br><br>(h) a valid Environmental Impact Assessment licence issued by NEMA;<br><br>(i) an approval from the relevant County Government (PPA2 or PPA5); and<br><br>(j) the additional documents listed in Part I of the First Schedule and any other document that may assist the Authority to make proper determination on the application.<br><br>(3) The application in sub-regulation (1) shall be accompanied by proof of payment of the prescribed fees as set out in the Third Schedule. |
| **Form, validity and extension of a construction permit.** | 7. (1) A Construction Permit shall be in the form set out in Part I of the Second Schedule or any other |

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| | format that the Authority may prescribe by notices in the Kenya Gazette.<br><br>(2) Where no construction works have commenced, a Construction Permit shall be valid for a period of twelve (12) months from the date of issue or until such date of extension as allowed by the Authority shall expire.<br><br>(3) Where the construction work has commenced within the validity period, the Construction Permit shall be valid for a maximum period of thirty-six (36) months from the date of issue.<br><br>(4) The Construction Permit holder may make an application for the extension of the validity period by providing a justification and such supporting documents as may be required by the Authority.<br><br>(5) The extension of the validity period of a Construction Permit shall be to a maximum of –<br><br>(a) six (6) months where construction work has not commenced; and<br><br>(b) twenty-four (24) months where construction work has commenced.<br><br>(6) An applicant shall be required to make a fresh application where the Construction Permit cannot be extended further as provided for in sub-regulation (5).<br><br>(7) A Construction Permit ceases to be valid if –<br><br>(a) the Construction Permit is suspended or revoked by the Authority for non-compliance with any term or condition thereof within the prescribed period by |

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| | notice in the Gazette in accordance with Section 89 of the Act; or<br><br>(b) execution of the works has not commenced at the expiry of twelve (12) months from the date on which the Construction Permit was granted or the expiration of any extended period which the Authority may allow. |
| **Determination of an application for a Construction Permit** | 8. (1) The Authority shall determine an application for a Construction Permit within forty-five (45) days of receipt of the application<br><br>(2) Provided that the application complies with the provisions of any written law and meets the prescribed requirements, the Authority may grant a Construction Permit to the applicant.<br><br>(3) The Authority may, prior to making a determination to grant a Construction Permit, consider the suitability of the project after due assessment.<br><br>(4) The Construction Permit issued under sub-regulation (2) shall contain such terms and conditions that the Authority may deem fit.<br><br>(5) The Authority shall reject an application under these Regulations where the application does not meet the requirements for granting a Construction Permit.<br><br>(6) The Authority shall notify the applicant of such refusal in sub-regulation (5), specifying the reasons thereof within seven (7) days of such refusal.<br><br>(7) Where the rejection in sub-regulation (5) relates to – |

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| | (a) incomplete information, the applicant may make a fresh application by providing the requisite information or documents; or<br><br>(b) the unsuitability of the site, the decision of the Authority shall be final and if the applicant is not satisfied with the Authority's decision, he may appeal to the Tribunal. |
| **Obligations of a Construction Permit Holder.** | 9. (1) In undertaking construction of an AVGAS logistics facility, the Construction Permit holder shall –<br><br>(a) comply with the terms and conditions of the Construction Permit as stipulated by the Authority;<br><br>(b) engage only contractors who are licenced by the National Construction Authority (NCA) for the respective class of work;<br><br>(c) comply with the Environmental Impacts Mitigation Plan approved by NEMA;<br><br>(d) comply with the Government policy on local content; and<br><br>(e) comply with the directions issued by the Authority from time to time.<br><br>(2) The Construction Permit holder shall, notwithstanding anything contained in the Construction Permit, comply with the provisions of the Act and all other applicable laws. |
| **Suspension or revocation of a construction permit.** | 10. (1) The Authority may at any time suspend or revoke a Construction Permit if the holder commits any breach of the provisions in the Act, these Regulations or the conditions of the Construction Permit. |

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| | (2) Unless otherwise specified in the Construction Permit, the Authority may give a Construction Permit holder fourteen (14) days' notice to show cause why the Construction Permit should not be suspended or revoked.<br><br>(3) The Authority shall determine the matter in sub-regulation (2) within thirty (30) days from the expiry of the notice period.<br>(4) Where the Authority finds the Construction Permit holder in breach of the Act, these Regulations, conditions of the Construction Permit or any other applicable law, the Authority may notify the Construction Permit holder of the intention to revoke or suspend the Construction Permit.<br><br>(5) The notice in sub-regulation (4) shall specify the reasons thereof.<br><br>(6) The Authority may revoke or suspend a Construction Permit specifying the reasons thereof.<br><br>(7) Any suspension or revocation of a Construction Permit shall not indemnify the holder from any penalties for which the holder may have become liable to under the Act or any other written law. |
| **PART III – AVIATION GASOLINE BUSINESS LICENCE** | |
| **Requirement for a licence** | 11. A person shall not conduct an AVGAS business unless the person has an AVGAS business licence. |
| **Application for a licence** | 12. (1) A person who intends to conduct an AVGAS business shall—<br>(a) apply to the Authority for an AVGAS business licence;<br>(b) attach the requisite documents for the respective AVGAS business category as set out in Part II (A) to Part II (F), Part IV and |

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| | Part V of the First Schedule to the application under sub-regulation (a);<br>(c) execute an environment liability policy set out in Part X of the Second Schedule; and<br>(d) remit to the Authority the application fees specified in the Third Schedule.<br>(2) The Authority shall consider the factors referred to in section 75 of the Act in determining an application made under sub-regulation (1).<br>(3) Within thirty days after an application being made under sub-regulation (1), the Authority shall issue a successful applicant with the respective AVGAS business licence set out in Parts II, III, IV, V, VI, VII, and VIII of the Second Schedule.<br>(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.<br>(5) A person who contravenes sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **Validity of licence.** | 13. (1) Licences issued for AVGAS businesses shall have the following validity periods –<br>(a) import, export and wholesale shall be valid for twelve (12) months from the date of issue.<br>(b) export and wholesale shall be valid for thirty-six (36) months from the date of issue.<br>(c) storage of AVGAS shall be valid for thirty-six (36) months from the date of issue.<br>(d) transportation via rail shall be valid for twelve (12) months from the date of issue.<br>(e) transportation by road shall be valid for twenty-four (24) months from the date of issue.<br>(f) retail licence shall be valid for twenty-four (24) months from the date of issue. |

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| | (g) AVGAS Tanker driver certificate shall be valid for twenty- four (24) months from the date of issue. |
| **Renewal of licence.** | 14. (1) A person who intends to renew a licence shall—<br>(a) apply to the Authority for renewal of AVGAS business licence;<br>(b) attach the relevant documents as set out in Part III of the First Schedule to the application under sub-regulation (a);<br>(c) execute an environment liability policy set out in Part X of the Second Schedule; and<br>d) remit to the Authority the application fees specified in the Third Schedule.<br>(2) An application under sub-regulation (1) shall be made at least thirty (30) days before the expiry date of the licence.<br>(3) Within thirty (30) days after an application being made under sub-regulation (1), the Authority shall issue a successful applicant with respective AVGAS business licence in the form set out in Parts II, III, IV, V, VI, VII, and VIII of the Second Schedule.<br>(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 (7) days of the rejection. |
| **Amendment of licence.** | 15. (1) A holder of a licence may apply to the Authority for an amendment to the licence for the following reasons—<br>(a) an error in the text of the licence; or<br>(b) a change in the name of the holder; or<br>(c) change of the premises where AVGAS business is conducted; or<br>(d) a change in the address of the holder.<br>(2) Within thirty (30) days of any of the changes referred to in sub-regulation (1) taking effect, a holder of a licence shall make an application for the amendment of the licence as set out in Part IX of the |

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| | Second Schedule and remit to the Authority the application fees specified in the Third Schedule.<br>(3) Where an application made under sub-regulation (1) is based on the change of premises, the applicant shall attach a business licence in respect of the proposed premises issued by the respective County Government, to the application.<br>(4) Where an application made under sub-regulation (1) is based on the change of the name of the holder, the applicant shall attach to the application, —<br>(a) the particulars of the shareholders and directors of the applicant company issued by the Registrar of Companies in accordance with Companies Act, Cap. 486 within the preceding thirty (30) days prior to making the application;<br>(b) a notice of change of particulars lodged in accordance with section 9 of the Registration of Business Names Act. Cap.499.<br>(5) Upon considering an application made under sub-regulation (1), the Authority shall issue a successful applicant with an amended AVGAS licence set out in Part II, III, IV, V, VI, VII, and VIII of the Second Schedule. |
| **Transfer of licence.** | 16. (1) A person who intends to transfer a licence shall—<br>(a) submit an application in writing to the Authority specifying the proposed changes;<br>(b) remit to the Authority the fees specified in the Third Schedule.<br>(2) Within thirty (30) days after receiving the application submitted under sub-regulation (1), the Authority shall review and make a determination.<br>(3) Where an application submitted under sub-regulation (1) is rejected, the Authority shall notify |

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| | the person of the reasons thereof in writing within seven (7) days of the rejection. |
| **Obligations of holder of a licence.** | 17. (1) Upon being issued with a licence, the holder shall—<br>(a) operate the facility on which the AVGAS business is being conducted in compliance with the Act;<br>(b) undertake maintenance of the facility on which the AVGAS business is being conducted;<br>(c) comply with the Kenya Standards or International Standards approved by KEBS for AVGAS;<br>(d) unless importing AVGAS, only purchase AVGAS from a holder of a licence;<br>(e) only sell AVGAS in Kenya to a holder of a licence, or a consumer for own consumption.<br>(f) enter into contracts for the transportation of AVGAS with persons who hold a valid AVGAS transport business licence issued by the Authority;<br>(g) load AVGAS from facilities with a valid AVGAS storage business licence issued by the Authority;<br>(h) only discharge AVGAS to facilities which have a valid AVGAS business licence issued by the Authority or to consumers;<br>(i) transport AVGAS in petroleum tankers that have valid permits issued by the Authority;<br>(2) A holder of a licence who does not comply with sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **Suspension or revocation of a licence.** | 18. (1) The Authority may suspend or revoke a licence if the holder does not comply with the Act, these Regulations or the conditions of the licence. |

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| | (2) the Authority shall issue the holder of a licence a notice of fourteen (14) days to show cause why the licence should not be suspended or revoked where the holder has not complied with the Act, these Regulations or the conditions of the licence.<br>(3) The Authority shall determine whether the holder of a licence has not complied with the conditions of the licence within thirty (30) days after expiry of the notice period referred to in sub-regulation (2).<br>(4) Where the Authority determines that a holder of a licence has not complied with the conditions of the licence, the Authority shall issue the holder a notice of twenty-one (21) days of the intention to revoke or suspend the licence and specify the reasons thereof.<br>(5) Any suspension or revocation of a licence shall not indemnify the holder from any penalties for which the holder may have become liable to under the Act or any other written law. |
| **PART IV – TRANSPORT OF AVIATION GASOLINE** | |
| **Prohibition on transport of AVGAS without AVGAS transport permit.** | 19. (1) Any vehicle used to transport AVGAS, whether by tanker or in drums, shall be required to obtain a permit from the Authority.<br>(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **Application for AVGAS transport Permit.** | 20. (1) A person who intends to operate an AVGAS tanker or a vehicle for transporting AVGAS in drums shall—<br>(a) apply to the Authority for a permit and attach the respective documents set out in Part II(D) and Part II(E) of the First Schedule;<br>(b) execute an environment liability policy set out in Part X of the Second Schedule; and |

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| | (c) remit to the Authority the fees as set out in the Third Schedule. |
| **Renewal of AVGAS transport permit** | 21. (1) A person who intends to renew a permit shall –<br>(a) apply to the Authority and attach the documents set out in Part V of the First Schedule;<br>(b) execute an environment liability policy set out in Part X of the Second Schedule; and<br>(c) remit to the Authority the fees specified in the Third Schedule<br><br>(2) An application under sub-regulation (1) shall be made at least thirty (30) days before the expiry of the permit.<br><br>(3) Within thirty (30) days after an application being made under sub-regulation (1), the Authority shall review and make a determination to issue a successful applicant with a permit in the form set out in Part XI of the Second Schedule.<br><br>(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 (7) days. |
| **Amendment of AVGAS transport permit.** | 22. (1) A holder of a permit may apply to the Authority for an amendment to the permit for the following reasons—<br>(a) an error in the text of the permit; or<br>(b) a change in the name of the holder; or<br>(c) a change in the address of the holder.<br><br>(2) Within thirty (30) days of any of the changes referred to in sub-regulation (1) taking effect, a holder of a permit shall make an application in the form as set out in Part IX of the Second Schedule and remit to the Authority the fees in the Third Schedule. |

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| | (3) Upon considering an application made under regulation (1), the Authority shall issue a successful applicant with an amended permit set out in Part XI of the Second Schedule.<br>(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 (7) days. |
| **Tracking of AVGAS transporting vehicle** | 23. (1) A holder of a permit shall install a vehicle tracking device with a Global Positioning System capable of generating reports of distance, location and speed of the AVGAS transporting vehicle.<br>(2) A holder of a permit shall avail to the Authority a copy of the report generated by the tracking device referred to in sub-regulation (1) upon receipt of a written notice from the Authority.<br>(3) A holder of a permit who contravenes sub-regulation (1) or (2) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **Designated parking for AVGAS transport vehicles.** | 24. (1) A holder of a permit, licence or driver certificate shall not park an AVGAS transport vehicle in an area other than a designated parking for petroleum tankers.<br>(2) Where a holder of a permit or licence has developed an exclusive parking area for their own petroleum tankers, the holder shall construct the parking area in such a manner as to minimise the impact of the parking area on safety, health and the environment.<br>(3) A holder of a permit, licence or driver certificate shall not park an AVGAS transport vehicle within one hundred (100) metres from a residential area.<br>(4) A holder of a permit, licence or driver certificate who contravenes regulation (2) or (3) commits an offence and shall be liable upon conviction to the |

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| | applicable fines and penalties as set out in the Fourth Schedule. |
| **Prohibition on operating AVGAS transport vehicle without a certificate.** | 25. (1) A person shall not operate an AVGAS transport vehicle unless that person holds a driver certificate issued by the Authority.<br>(2) A person who contravenes sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **PART V – SAFETY, HEALTH, ENVIRONMENT, AND QUALITY** | |
| **Safety and Health** | 26. (1) Any person licenced to conduct AVGAS business shall comply with all provisions of the Occupational Safety and Health Act, Cap. 236A.<br>(2) Notwithstanding the requirement in sub-regulation (1), the licensee shall -<br>(a) establish and implement a medical surveillance programme for their employees in accordance with the Occupational Safety and Health Act, Cap. 236A;<br>(b) provide and enforce the use of suitable personal protective equipment (PPEs) in accordance with the Occupational Safety and Health Act, Cap. 236A; and<br>(c) Comply with the banding, labelling and color code for AVGAS as per the applicable aviation standards. |
| **Training** | 27. (1) Any person licenced to undertake AVGAS business shall-<br>(a) ensure that all personnel involved in AVGAS related activities receive initial training prior to assignment of duties, and periodic refresher training thereafter; and<br>(b) The mandatory training shall cover, at a minimum; |

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| | (i) the physical and chemical properties, and contamination risks of AVGAS;<br>(ii) AVGAS quality parameters;<br>(iii) health hazards associated with exposure to AVGAS;<br>(iv) safe storage and handling procedures for AVGAS; spill and fire prevention measures and emergency response |
| **Environmental Protection Measures** | 28. (1) Any person licenced to undertake AVGAS business shall implement environmental protection measures, including<br>(a) spill containment measures -<br>(i) for jetties handling AVGAS spill containment systems capable of capturing and controlling accidental releases shall be installed;<br>(ii) for AVGAS storage tanks, skids, loading gantries and drum storage areas, the floor surfaces shall be impervious and provided with secondary containment systems;<br>(iii) for AVGAS packaged in drums, the drums shall be stored in a manner that minimizes the risk of puncture, corrosion, tipping, or accidental discharge, and shall at all times be maintained in good condition;<br>(iv) AVGAS transfer points for operations including loading, decanting and dispensing, shall be located within a contained area or provided with drip trays to capture incidental spills and leaks;<br>(v) drainage systems at AVGAS facilities shall be designed to ensure any spillage is directed to an oil-water separator (OWS) in compliance with effluent discharge requirements as per Environmental |

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| | Management and Co-ordination Act (Water Quality) Regulation, 2024;<br>(vi) provision of oil-absorbent materials and spill kits for emergency use during fuel transfers.<br>(b) waste management measures-<br>(i) proper procedures for handling storage, and disposal of hazardous waste as required under Environmental Management and Coordination Act (Waste Management) Regulations, 2024;<br>(ii) providing adequate facilities for the disposal of waste associated with AVGAS to prevent pollution as provided under Environmental Management and Coordination Act (Waste Management) Regulations, 2024; and<br>(iii) conduct water quality tests for monitoring purposes as provided under Environmental Management and Coordination Act (Water Quality Regulation, 2024).<br>(2) A person licenced to undertake AVGAS business who fails to institute appropriate environmental, health or safety control measures commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **Quality** | 29. (1) A person licenced to undertake AVGAS business shall ensure that AVGAS complies with the specifications set out in the Kenya Standard or any International Standard approved by the KEBS and aviation standards.<br><br>(2) A person licenced to undertake AVGAS business offers for sale AVGAS that does not meet Kenya Standards or International Standards approved by KEBS commits an offence and shall be liable upon |

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| | conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **PART VI – DATA, REPORTING AND VERIFICATION** | |
| **Declaration of AVGAS import, export, sales and purchases.** | 30. (1) A person licensed to undertake AVGAS business 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 Part XII of the Second Schedule.<br>(2) A person 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 the applicable fines and penalties as set out in the Fourth Schedule.<br>(3) A person 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 the Fourth Schedule.<br>(4) The Authority may require the information in sub-regulation (2) to be declared on the Authority's online portal. |
| **Records to be kept.** | 31. (1) A holder of an AVGAS Import, Export and Wholesale, and Storage business licence shall maintain daily records of opening and closing stocks of AVGAS at the business premises.<br>(2) A person 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 Fourth Schedule. |
| **PART VI – GENERAL PROVISION** | |
| **Display of permits or licence at premises.** | 32. (1) An AVGAS Business Licence and AVGAS permits 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 person who contravenes sub-regulation (1) commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule. |
| **Ownership of licence and permit.** | 33. A licence and a permit shall at all times remain the property of the Authority. |
| **Loss of licence or permit.** | 34. (1) Where a holder of a licence or permit loses a licence or permit, the holder shall—<br>(a) submit an application in writing to the Authority for the replacement of the licence or permit;<br>(b) attach a police abstract detailing the loss;<br>(c) attach a sworn affidavit on the circumstances leading to the loss; and<br>(c) remit to the Authority the prescribed fees as set out in the Third Schedule.<br>(2) Within thirty (30) days after receiving the request submitted under sub-regulation (1), the Authority shall issue the holder with respective licence or permit as set out in the Second Schedule<br>(3) Where a request submitted under sub-regulation (1) is rejected, the Authority shall notify the holder of the reasons for the rejection in writing within seven (7) days of the rejection. |
| **Tampering with or defacing a licence or permit.** | 35. (1) A holder of a licence or a permit shall not tamper with or deface a licence or a permit.<br>(2) Where a holder of a licence or a permit tampers with or defaces the licence or permit, the holder shall—<br>(a) submit a request in writing to the Authority for the replacement of the licence or permit;<br>(b) attach a police abstract detailing the tampering with or defacement of the licence or permit;<br>(c) attach a sworn affidavit on the circumstances leading to the tampering with or defacement of the licence or permit; and |

| | |
|---|---|
| | (d) remit to the Authority the fees in the Third Schedule.<br>(3) Within thirty (30) days after receiving the request submitted under sub-regulation (2), the Authority shall issue the holder with respective licence or permit as set out in the Second Schedule<br>(4) Where a request submitted under sub-regulation (2) is rejected, the Authority shall notify the holder of the reasons for the rejection in writing within seven (7) days of the rejection. |
| **Reporting of accidents or incidents.** | 36. (1) A holder of an AVGAS Business License or permit shall within forty-eight (48) hours of occurrence of an accident or incident, notify the Authority in the form and manner prescribed in Part XIII of the Second Schedule.<br>(2) The threshold of reportable accidents or incidents include those causing:-<br>(a) loss of life or permanent total disability; or<br>(b) damage to property or to the environment of more than Kshs 1,000,000; or<br>(c) a spill of 100 litres or more; or<br>(d) fire or explosion resulting in (a) or (b) above.<br>(3) A holder of an AVGAS business license or permit who fails to comply with this Regulation commits an offence and shall be liable to the fines and penalties set out in the Fourth Schedule. |
| **Investigation of accidents or incidents.** | 37. (1) A holder of an AVGAS Business License or permit shall conduct detailed investigations into any accident reported under Regulation 36 within fourteen (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:<br>(i) cause of the accident;<br>(ii) environmental effects of the accident; |

| | |
|---|---|
| | (iii) economic impacts of the accident;<br>(iv) health impacts of the accident; and<br>(v) proposed remedial measures and timelines thereof.<br><br>(2) The Authority shall review the report under sub-regulation (1) within thirty (30) days and –<br>(a) accept the report; or<br>(b) request for adjustments; or<br>(c) reject the report giving reasons and other directives<br>(3) Notwithstanding provisions of sub-regulations (1) and (2), the Authority may commission its own investigation. |
| **Offences and penalties.** | 38. (1)A person who—<br>(a) deliberately fails, refuses or neglects to submit data and information required by the Authority under these Regulations, commits an offence and shall be liable upon conviction to the applicable fines and penalties as set out in the Fourth Schedule.<br>(b) 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 the Fourth Schedule.<br>(2) The Authority may, in addition to the penalties specified under sub regulation (1), suspend or revoke a licence, permit or certificate issued under the Act for such a period that it shall deem prudent or revoke a licence, permit or certificate if there exists sufficient evidence that continued possession of the licence, permit or certificate shall compromise the quality of Avgas in Kenya. |
| **Appeal against the decisions of the Authority.** | 39. A person 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. |

| | |
|---|---|
| **Savings and transition.** | 40. All persons engaging in AVGAS business shall be required to comply with these Regulations within six (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

## PART I – REQUIREMENTS FOR CONSTRUCTION PERMIT FOR AVIATION GASOLINE LOGISTICS FACILITY

**Regulation 6(1), 6(2) and 6(3)**

| | |
|---|---|
| **1.** | Certificate of Incorporation / Business Registration Certificate; |
| **2.** | *CR12* from the Registrar of companies (*should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs*); |
| **3.** | Legible Copies of Identification Documents (*IDs/Passports for all the directors*); |
| **4** | Outline of the methods of financing of the project; |
| **5.** | Valid Work Permits Class "*G*" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*); |
| **6.** | Development permission from the respective County Government (including County Physical Planning Office); |
| **7.** | Approval to construct AVGAS Logistics Storage Facility from the relevant State bodies (Kenya Civil Aviation Authority / Kenya Airports Authority/ National Construction Authority whichever is applicable); |
| **8.** | Mechanical engineer's drawings specifying materials and design/ operational limitations (AVGAS tank(s) designs, pipework, the layout including General drainage and Oil Water Separator (OWS) layout/ designs ); |
| **9.** | Civil engineer's drawings showing details of AVGAS tank saddle and backfill designs; layout and surface designs; General drainage and OWS layout/ designs; |
| **10.** | Certified copies of valid practicing Certificates issued by the Engineers Board of Kenya as per the Engineers Act (2011) for Engineers or Consulting Firms that shall have prepared the designs under items 8 & 9 above; and |
| **11.** | Valid Environmental Impact Assessment license from NEMA approving the development of the project/facility. |
| **12.** | Proof of ownership/lease of the land on which the AVGAS storage facility is to be built. In the case of long- term land lease, copy of duly registered lease agreement in the name of the applicant Company plus the title deed of the landowner. |

## PART II (A) - REQUIREMENTS FOR A LICENCE FOR IMPORT, EXPORT AND WHOLESALE OF AVGAS

**Regulation 12(1)(b)**

| | |
|---|---|
| 1. | Certificate of Incorporation / Business Registration Certificate; |
| 2. | CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs); |
| 3. | Legible Copies of Identification Documents (IDs/Passports for all the directors); |
| 4. | Valid Work Permits Class "G" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document); |
| 5. | A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority; |
| 6. | Proof of membership to an Oil Spill Contingency Group; and |
| 7. | A valid Single Business Permit for the premises of operation from the respective County Government. |
| 8. | Proof of Financial Capability by either:<br>a) Providing proof of operations in Kenya as a wholesaler of either or a combination of Premium Motor Spirit, Automotive Gasoil, Jet A1 or Illuminating Kerosene; or<br>b) Providing proof of ownership or long- term lease of a licensed petroleum storage facility in Kenya; or<br>c) Providing certified audited accounts for the last 3 years indicating an annual turnover of US$ 10 million for applicants with operations outside Kenya. |
| 9. | A duly executed Environment Liability Policy in accordance with Section 79 of the Act. |

## PART II (B) - REQUIREMENTS FOR A LICENCE FOR THE STORAGE OF AVGAS

**Regulation 12(1)(b)**

| | |
|---|---|
| **1.** | Certificate of Incorporation / Business Registration Certificate; |
| **2.** | *CR12* from the Registrar of companies (*should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs*); |
| **3.** | Legible Copies of Identification Documents (*IDs/Passports for all the directors*); |
| **4.** | Valid Work Permits Class "G" 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.** | Proof of ownership of the storage facility (*title deed or a registered lease in the name of applicant* company/director(s)). In the case of long-term land lease, copy of duly registered lease agreement in the name of the Applicant company valid for at least thirty-six (36) months plus the title deed of the landowner or an allotment letter in the name of the proponent certified by the County Government; |
| **6.** | A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority; |
| **7.** | A valid Single Business Permit for the premises of operation from the respective County Government; |
| **8.** | A valid Environmental Impact Assessment licence from NEMA for the facility; |
| **9.** | A valid Fire Clearance Certificate for the facility from the respective County Government; |
| **10.** | Certificate of Compliance with the Physical Planning Act 2019 (*PPA5 or PPA2*); |
| **11.** | A valid certificate of registration of the facility as a workplace from the Directorate of Occupational Safety and Health Services; |
| **12.** | A valid calibration certificate for each AVGAS storage tank and Transportation Tanker as applicable; |
| **13.** | A valid certificate of calibration of the AVGAS dispensing meters from the Department of Weights and Measures; |
| **14.** | Inspection report for the integrity of the AVGAS storage tanks and pipelines at the facility as per applicable Kenya Standard, API or JIG standard; |

| | |
|---|---|
| **15.** | A coloured photo(s) of the AVGAS facility clearly showing the dispensing and storage area; |
| **16.** | A summary Emergency Response Plan ; |
| **17.** | A duly executed Environment Liability Policy in accordance with Section 79 of the Act; |
| **18.** | A letter from the Kenya Bureau of Standards as proof of conformity assessment of the facility against the applicable Kenya Standard; and |
| **19.** | Proof of training of a minimum of four employees in the safe handling of Petroleum from a National Industrial Training Authority approved personnel. |

## PART II (C) - REQUIREMENTS FOR LICENCE FOR EXPORT AND WHOLESALE OF AVGAS

**Regulation 12(1)(b)**

| | |
|---|---|
| 1. | Certificate of Incorporation / Business Registration Certificate; |
| 2. | CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs); |
| 3. | Legible Copies of Identification Documents (IDs/Passports for all the directors); |
| 4. | Valid Work Permits Class "G" for all foreign directors working in Kenya (Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document); |
| 5. | A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority; |
| 6. | A valid Single Business Permit for the premises of operation from the respective County Government; and |
| 7. | A duly executed Environment Liability Policy in accordance with Section 79 of the Act. |

## PART II (D) - REQUIREMENTS FOR LICENCE FOR TRANSPORT OF AVGAS IN BULK BY ROAD

**Regulation 12(1)(b), 20(1)(a)**

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

## PART II (E) - REQUIREMENTS FOR LICENCE FOR TRANSPORT OF AVGAS IN DRUMS

**Regulation 12(1)(b), 20(1)(a)**

| | |
|---|---|
| 1. | Certificate of Incorporation / Business Registration Certificate; |
| 2. | CR12 from the Registrar of companies (should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs); |
| 3. | Legible Copies of Identification Documents (IDs/Passports for all the directors); |
| 4. | Valid Work Permits Class "G" 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. | A valid Motor Vehicle Inspection Certificate from the National Transport and Safety Authority for each prime mover and trailer; |
| 7. | Logbook for each prime mover and trailer (Attach a valid lease agreement if vehicle not in the name of the applicant); |
| 8. | A paired list of prime movers and trailers where necessary (In Microsoft Excel); |
| 9. | A valid Fire certificate for each vehicle from the County Government; |
| 10. | A summary Highway Emergency Response Plan from the applicant; and |
| 11. | A valid Single Business Permit for the premises of operation from the respective County Government. |

## PART II (F) - REQUIREMENTS FOR LICENCE FOR RETAIL OF AVGAS

**Regulation 12(1)(b)**

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

| | |
|---|---|
| 5. | A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority; |
| 6. | A valid Single Business Permit for the premises of operation from the respective County Government; |
| 7. | Proof of ownership of the retail facility (title deed or a registered lease in the name of applicant); |
| 8. | A valid Environmental Impact Assessment licence from NEMA for the facility; |
| 9. | A valid Fire Clearance Certificate for the facility from the respective County Government; |
| 10. | Certificate of Compliance with the Physical Planning Act 2019 (PPA5 or PPA2); |
| 11. | A valid certificate of registration of the facility as a workplace from the Directorate of Occupational Safety and Health Services; |
| 12. | A valid calibration certificate for each AVGAS storage tank at the facility; |
| 13. | A valid certificate of calibration of the AVGAS dispensing meters from the Department of Weights and Measures; |
| 14. | Periodical inspection report for the AVGAS tanks and pipelines at the facility as per applicable Kenya Standard, API or JIG standard; |
| 15. | A coloured photo of the facility clearly showing the frontage and the forecourt; and |
| 16. | A summary Emergency Response Plan from the applicant. |

## PART III - REQUIREMENTS FOR APPLICATION FOR RENEWAL OF AVGAS BUSINESS LICENCE

**Regulation 14(1)(b),14(3)**

| | |
|---|---|
| **1.** | Certificate of Incorporation / Business Registration Certificate; |
| **2.** | *CR12* from the Registrar of companies (*should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs*); |
| **3.** | Legible Copies of Identification Documents (*IDs/Passports for all the directors*); |
| **4.** | Valid Work Permits Class "*G*" 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.** | For Storage and Retail of AVGAS Business licenses, proof of land ownership (copy of title deed in the name of company/director(s)). In the case of long-term land lease, copy of duly registered lease agreement in the name of the Applicant company valid for at least thirty six (36) months plus the title deed of the landowner or an allotment letter in the name of the proponent certified by the County Government; |
| **6.** | A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority; |
| **7.** | A valid Single Business Permit for the premises of operation from the respective County Government; |
| **8.** | A valid Annual Environmental Audit acknowledgement letter from NEMA for the facility; |
| **9.** | A valid Fire Clearance Certificate for the facility from the respective County Government; |
| **10.** | For Storage and Retail of AVGAS Business licenses, certificate of Compliance with the Physical Planning Act 2019 (*PPA5 or PPA2*); |
| **11.** | A valid certificate of registration of the facility as a workplace from the Directorate of Occupational Safety and Health Services; |
| **12.** | A valid calibration certificate for each AVGAS storage tank and Transportation Tanker; |
| **13.** | A valid certificate of calibration of the AVGAS dispensing units' meters from the Department of Weights and Measures; |
| **14.** | Periodical inspection report for the AVGAS tanks and pipelines at the facility as per applicable Kenya Standard, API or JIG standard |
| **15.** | A coloured photo(s) of the AVGAS facility clearly showing the dispensing and storage area; |
| **16.** | A summary Emergency Response Plan; and |
| **17.** | A duly executed Environment Liability Policy in accordance with Section 79 of the Act. |

## PART IV – REQUIREMENTS FOR APPLICATION AND RENEWAL OF DRIVER CERTIFICATE

**Regulation 12(1)(b)**

| | |
|---|---|
| **1.** | National Identification Document (ID) for the applicant; |
| **2.** | A valid certificate of fitness of the applicant from a doctor approved by the Directorate of Occupation Safety and Health and Services; |

| | |
|---|---|
| 3. | Proof of training on defensive driving from a National Industrial Training Authority approved driving school; |
| 4. | A driving licence issued to the applicant for the petroleum tanker in accordance with the Traffic Act; |
| 5. | A Police Clearance Certificate of the applicant (*should not be older than 1 year at the time of submission of the application*); and |
| 6. | A coloured Passport size photo of the applicant. |

## PART V – REQUIREMENTS FOR APPLICATION AND RENEWAL OF AVGAS TRANSPORT PERMIT

**Regulation 19(1) and 21(1)(a) 21(1)(b)**

| | |
|---|---|
| 1. | Certificate of Incorporation / Business Registration Certificate; |
| 2. | *CR12* from the Registrar of companies (*should not be older than 1 year at the time of submission of the application. Further, if a Limited company appears as part of the shareholders, provide the company's CR12 plus all the Directors' IDs*); |
| 3. | Legible Copies of Identification Documents (*IDs/Passports for all the directors*); |
| 4 | Outline of the methods of financing of the project; |
| 5. | Valid Work Permits Class "*G*" for all foreign directors working in Kenya (*Foreign directors not resident in Kenya should provide a notarized declaration. Further, any employee given Powers of Attorney by a foreign director should provide a copy of their identification document*); |
| 6. | A valid Tax Compliance Certificate for the applicant from the Kenya Revenue Authority; |
| 7. | A valid Single Business Permit for the premises of operation from the respective County Government. |
| 8. | A valid Motor Vehicle Inspection Certificate from the National Transport and Safety Authority for each prime mover and trailer; |
| 9. | Log book for each prime mover and trailer (Attach a valid lease agreement if vehicle not in the name of the applicant); |
| 11. | A valid Fire certificate for each vehicle from the County Government; |
| 12. | A summary Highway Emergency Response Plan from the applicant; and |
| 13. | Proof of a vehicle tracking device with a Global Positioning System installed on each petroleum tanker. |

## SECOND SCHEDULE

## PART I – FORM FOR AVIATION GASOLINE LOGISTICS FACILITY CONSTRUCTION PERMIT

**Regulation 7(1)**

Energy & Petroleum Regulatory Authority

*PERMIT NO.*

.....

**THE PETROLEUM ACT, 2019**

**AVIATION GASOLINE LOGISTICS FACILITY CONSTRUCTION PERMIT**

Construction Permit is hereby granted to _____of *P.O. Box*

_____*to* construct the following petroleum Facility (is):

*Construction of: Aviation Gasoline Logistics Facility*

.....

On premises situated at: : _____

Plot No. : _____

Water Body : _____

Street/Market : _____

Town/County : _____

This Permit expires on : _____

Dated this: _____

Signature _____

*(SEAL)*

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

**Conditions:**

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

## PART II : FORM OF AVGAS IMPORT, EXPORT AND WHOLESALE BUSINESS LICENCE

**Regulation 12(3),13(1)(a), 14(3), 15(5)**

Energy & Petroleum Regulatory Authority

### THE PETROLEUM ACT, 2019
### AVGAS IMPORT, EXPORT AND WHOLESALE 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*

**Conditions:**

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

## PART III : FORM FOR AVGAS STORAGE BUSINESS LICENCE

**Regulation 12(3),13(1)(c), 14(3), 15(5)**

Energy & Petroleum Regulatory Authority

### THE PETROLEUM ACT, 2019
### AVGAS STORAGE 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*

**Conditions:**

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

## PART IV: FORM OF AVGAS EXPORT AND WHOLESALE BUSINESS LICENCE

**Regulation 12(3), 13(1)(b), 14(3), 15(5)**

Energy & Petroleum Regulatory Authority

**THE PETROLEUM ACT, 2019**
**AVGAS EXPORT AND WHOLESALE 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*

**Conditions:**

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

## PART V: FORM OF TRANSPORT OF AVGAS VIA PIPELINE BUSINESS LICENCE

**Regulation 12(3), 14(3), 15(5)**

Energy & Petroleum Regulatory Authority

**THE PETROLEUM ACT, 2019**
**TRANSPORT OF AVGAS VIA PIPELINE 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*

**Conditions:**

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

## PART VI: FORM OF TRANSPORT OF AVGAS VIA ROAD BUSINESS LICENCE

**Regulation 12(3) 13(1)(e), 14(3), 15(5), 21(3)**

Energy & Petroleum Regulatory Authority

**THE PETROLEUM ACT, 2019**
**TRANSPORT OF AVGAS VIA ROAD 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*

**Conditions:**
r Section 76(1) and (2) of the Petroleum Act

## PART VII : FORM OF RETAIL OF AVGAS BUSINESS LICENCE

**Regulation 12(3), 13(1)(f), 14(3), 15(5)**

Energy & Petroleum Regulatory Authority

**THE PETROLEUM ACT, 2019**
**RETAIL OF AVGAS 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*

**Conditions:**

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

## PART VIII : FORM OF DRIVER CERTIFICATE

**Regulation 12(3), 14(3), 15(5)**

*The Petroleum Act, 2019*

Energy & Petroleum Regulatory Authority

### DRIVER CERTIFICATE

Photograph

**Class**..... **Number**_____

**Name:** _____

**National ID No.:** _____

This Certificate authorizes the Holder to drive a AVGAS Tanker

Date of Issue: _____

Expiry Date: _____

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

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

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

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

## PART IX- FORM FOR APPLICATION FOR AMENDMENT OF AVGAS BUSINESS LICENCE

**Regulation 15 (2), 22(2)**

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

2. Indicate the type of amendment you would wish to make

   (*tick as appropriate*):

   ☐ Change of Premises
   ☐ Change of Business/Company /Skipper Name
   ☐ Addition of petroleum product tanks
   ☐ Decommission of petroleum product tanks

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

## PART X– ENVIRONMENT LIABILITY POLICY

**Regulation 12(1)(c), 14(1)(c), 20(1)(b), and 21(1)(b)**

### 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.*

## PART XI - FORM OF AVGAS TRANSPORT PERMIT

**Regulation 20(1)(a), 21(3) and 22(3)**

*The Petroleum Act. Cap 308*

Energy & Petroleum Regulatory Authority

### AVGAS TRANSPORT PERMIT

*PERMIT NO. .....*

This AVGAS Transport Permit authorises the transportation of:

☐ AVGAS in Bulk

☐ AVGAS in drums (Tick as appropriate)

In the vehicle whose details appears below;

**AVGAS Vehicle No.** : _____

**Maximum Capacity** : _____

**AVGAS Transporter Name** : _____

**This Permit expires on** : _____

**Dated this:** _____

**Signature:** _____

**Director General**

## PART XII- DATA REPORTING AND VERIFICATION REQUIREMENTS

**Regulations: 30(1)**

FORM A: AVIATION GASOLINE IMPORTATION REPORTING REQUIREMENTS

| | | |
|---|---|---|
| AVIATION GASOLINE IMPORTATION<br>REPORTING REQUIREMENTS | | |
| PART A | | |
| Name of Importer: | | |
| EPRA Licence No.: | | |
| Reporting Period: | _____(Month) _____<br>(Year) | |
| Date of Submission: | | |
| Import Volumes ($m^3$): | | |
| PART B | | |
| 1. | Port of entry: | |
| 2. | Country of Origin: | |
| 3. | Vessel/Vehicle Registration No.: | |

| | | | |
|---|---|---|---|
| 4. | Date of Import: | | |
| 5. | Receiving Storage Facility: | ** storage facility used to discharge the product after importation* | |
| 6. | Total Volume Imported: | _____ $m^3$ | |
| | i. | Volume designated for Local Market: | _____ $m^3$ |
| | ii. | Volume designated for the Export Market: | _____ $m^3$ |

FORM B: AVIATION GASOLINE STORAGE REPORTING REQUIREMENTS

| AVIATION GASOLINE STORAGE REPORTING REQUIREMENTS | | | |
|---|---|---|---|
| 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 ($m^3$): | | |
| Opening Stock | Total _____$m^3$ = Operational Stock _____$m^3$ + Deadstock _____ m3<br>** At the beginning of the reporting period as prescribed by the Authority* | | |
| Closing Stock | Total_____$m^3$ = Operational Stock_____$m^3$ + Deadstock _____ $m^3$ | | |

FORM C: AVIATION GASOLINE WHOLESALE REPORTING REQUIREMENTS

| | | | |
|---|---|---|---|
| AVIATION GASOLINE WHOLESALE REPORTING REQUIREMENTS | | | |
| Name of Wholesaler: | | | |
| EPRA Licence No.: | | | |
| Reporting Period: | _____(Month) _____ (Year) | | |
| Date of Submission: | _____ | | |
| Purchases | Total Volume($m^3$): | | |
| | Storage depot 1: | | Volume ($m^3$) : |
| | Storage depot 2: | | Volume ($m^3$) : |
| Sales | i. | Local Market | Total Volume ($m^3$):_____<br>a. Retail dispensing site _____County _____Volume ($m^3$) _____<br>b. Consumer Facility:_____County _____ Volume ($m^3$) _____ |

| | | | |
|---|---|---|---|
| | ii. | Export Market | Total Volume ($m^3$) :_____<br>a. Country 1:_____ Volume (m3)_____<br>b. Country 2:_____ Volume (m3)_____ |

FORM D: AVIATION GASOLINE RETAIL REPORTING REQUIREMENTS

| AVIATION GASOLINE RETAIL REPORTING REQUIREMENTS | | |
|---|---|---|
| Name of Retailer: | | |
| EPRA Licence No.: | | |
| Reporting Period: | _____(Month) _____ (Year) | |
| Date of Submission: | _____ | |
| GPS: | Longitude:_____ | Latitude:_____ |
| Location: | County: | Sub-County: |
| Storage Tank Capacities ($m^3$) | | |
| Purchases: | Total Volume ($m^3$): | |

| | | |
|---|---|---|
| | Source Storage depot:<br>County: | Volume ($m^3$) : |
| | Source Storage depot:<br>County: | Volume ($m^3$) : |
| Sales: | Total Volume ($m^3$):_____ | |

## PART XIII- ACCIDENT OR INCIDENT REPORTING FORM

**Regulations: 36(1)**

| | |
|---|---|
| 1. | Name of owner of the premises:. |
| 2. | Name of operator of the premises… |
| 3. | Name of holder of licence or construction permit:…… |
| 4. | Motor Vehicle registration number…. |
| 5. | Accident or incident location: |
| 6. | County |
| 7. | Sub-County |
| 8. | Location |
| 9. | Village |
| 10. | Geographical spread of the accident or incident … |
| 11. | Time and date of accident or incident |
| 12. | Date reported to the holder of the licence or construction permit |
| 13. | Date reported to the Authority |
| 14. | Most probable cause of accident or incident |
| 15. | Accident or incident impact |
| 16. | Police reference and reported date (where applicable)….. |

| | |
|---|---|
| 17. | Reported by: |
| | Name |
| | Postal address |
| | Email address |
| | Telephone |
| 18. | Number of injuries |
| 19. | Number of fatalities |
| 20. | Scale of environmental damage |
| 21. | Period the facility may be out of service… |
| 22. | Description of the events leading to the accident or incident |
| 23. | Signed: _____<br>Date: _____ |

## THIRD SCHEDULE
## PART I - APPLICATION FEES

Regulation 6(3), 12(1)(d), 14(1)(b),15(2), 16(1)(b), 20(1)(c),21(1)(c) 22(2), 34(1)(c) and 35 (2)(d)

| Description-Category of Licence Fees | New Application (Amount in Kshs) | Extension Application (Amount in Kshs) | Renewal Application (Amount in Kshs) | Amendment Application (Amount in Kshs) | Transfer Application (Amount in Kshs) | Replacement Application (Amount in Kshs |
|---|---|---|---|---|---|---|
| Construction permit | 5,000 | | 2,000 | | 5,000 | 5,000 |
| Licence for the importation, exportation and wholesale of AVGAS | 20,000 | | 10,000 | 1,000 | 20,000 | 20,000 |
| Licence for the exportation and wholesale of AVGAS | 8,000 | | 5,000 | 1,000 | 8,000 | 8,000 |
| Licence for storage of AVGAS | 20,000 | | 10,000 | 1,000 | 20,000 | 20,000 |
| Licence for the transportation of AVGAS via pipeline. | 20,000 | | 10,000 | 1,000 | 20,000 | 20,000 |
| AVGAS Transport Permit | 5,000 | 2,000 | | 1,000 | 1,000 | |

## FOURTH SCHEDULE

**Regulations 5(6), 12(5), 17(2), 19(2), 23(2), 24(4), 25(2), 28(2), 29(2), 30(2)(3), 31(2), 32(2), 36(3), and 38(1)(a)(b)**

## OFFENCES, FINES AND PENALTIES

| Regulations | Offence | Fine and Penalty |
|---|---|---|
| 5(6) | Undertaking construction of an AVGAS Logistics Facilities, without a valid Construction Permit | Upon conviction, a fine of not less than Kshs. 1,000,000. |
| 12(5) | Undertaking AVGAS business without valid AVGAS business licence. | A penalty not exceeding Kshs. 20,000 or such term of imprisonment not exceeding six months, or both. |
| 17(2) | Failure to comply with the obligations of AVGAS licence. | A penalty not exceeding Kshs. 20,000 or such term of imprisonment not exceeding six months, or both. |
| 19(2) | Transporting AVGAS without valid AVGAS transport permit. | Upon conviction, a fine not less than Kshs. 1,000,000. |
| 23(2) | Failure to install a vehicle tracking device on AVGAS transporting vehicle. | A penalty not exceeding Kshs. 20,000 or such term of imprisonment not exceeding |

| Regulations | Offence | Fine and Penalty |
|---|---|---|
| 24(4) | Parking of AVGAS transport vehicle in an area not designated for parking of petroleum tankers. | A penalty not exceeding Kshs. 20,000 or such term of imprisonment not exceeding |
| 25(2) | Operating AVGAS transporting vehicle without a certificate. | A penalty not exceeding Kshs. 20,000 or such term of imprisonment not exceeding |
| 28(2) | Failure to institute appropriate environmental, health and safety control. | Upon conviction, a fine not less than Kshs. 10,000,000 shillings, or a term of |
| 29(2) | Dealing with AVGAS which does not meet Kenya Standards or International Standards approved by | Upon conviction, a fine of not less than Kshs. 5,000,000, or to a term of imprisonment of |
| 30(2) | Fail to declare the required information of AVGAS import, export, sales and purchases | On admission of offence, Kshs. 20,000 for each offence; or<br>Upon conviction, a fine of not less than Kshs. 1,000,000, or imprisonment for a term of |
| 30(3) | False or misleading declaration of AVGAS import, export, sales and purchases | Not exceeding Kshs. 1,000,000. |
| 31(2) | Failure to keep daily records of AVGAS import, export and wholesale, and storage. | Kshs. 20,000 |
| 32(2) | Failure to display valid construction permit and/or AVGAS business licence | Not exceeding KShs. 1,000,000. |
| 36(3) | Failure to report accidents/incidents | Kshs 100,000 |