

THE PETROLEUM ACT

(Cap. 308)

THE PETROLEUM (PETROLEUM BUSINESS LICENSING AND
PETROLEUM LOGISTICS FACILITY CONSTRUCTION PERMIT)
(NO. 2) REGULATIONS, 2025

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THE PETROLEUM ACT

(Cap. 308)

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

THE PETROLEUM (PETROLEUM BUSINESS LICENSING AND
PETROLEUM LOGISTICS FACILITY CONSTRUCTION PERMIT)
(NO. 2) REGULATIONS, 2025

PART I—PRELIMINARY

1. These Regulations may be cited as the Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) (No. 2) Regulations, 2025. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “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.
 - “construction permit” means an authorisation to construct or modify a petroleum logistics facility issued under regulation 5 or 19;
 - “emergency works” means construction works undertaken —
 - (a) to prevent the occurrence or further deterioration or damage from a disaster, accident or incident that affects persons, property or the environment;
 - (b) to prevent escalation of loss of containment in the event of an oil spill or gas release and fires; or
 - (c) in any other situation which if escalates, may pose a risk to the petroleum logistics facility;
 - “environment liability policy” means a statement of the commitment to comply with the laws and other policy implementation mechanisms concerning environmental issues in relation to the respective petroleum logistics facility;
 - “environmental impact assessment study report” means an environmental impact assessment study report issued under section 58(2) of the Environmental Management and Coordination Act; Cap. 387.
 - “licence” means a petroleum business licence issued under regulation 10, 12, 13, 19 or 20;
 - “maintenance” means the conduct of an action that is necessary to retain petroleum infrastructure or a facility in a state that is as close as possible to its original state, but does not include rehabilitation or renewal;

“modification” means the conduct of an action on a facility that alters the existing technical design or storage capacity, or impacts on compliance with the environmental, health and safety requirements;

“petroleum logistics facility” means any facility where refined petroleum products are received, stored, loaded, offloaded or transported but does not include retail dispensing sites; and

“third party” means a person who holds a licence and carries out petroleum business.

3. (1) These Regulations shall apply to—

Application of these Regulations.

(a) a person conducting petroleum business at a petroleum logistics facility; and

(b) a person constructing a petroleum logistics facility.

(2) These regulations shall not apply to a person who intends to conduct the importation, exportation, wholesale trade, storage or transportation of liquefied petroleum gas.

PART II—PETROLEUM LOGISTICS FACILITY CONSTRUCTION PERMIT

4. (1) A person shall not construct or modify a petroleum logistics facility unless the person has a construction permit.

Prohibition against construction without a construction permit.

(2) Despite paragraph (1), a person who conducts emergency works in accordance with section 88(a) of the Act, shall, within sixty days of commencement of the emergency works, inform the Authority in writing of the—

(a) cause of the emergency;

(b) necessity of the emergency works;

(c) extent of the damage caused by the emergency;

(d) the remedial measures taken;

(e) the engineering designs of the emergency works that are approved by a professional engineer licensed under the Engineering Act; and

Cap. 530.

(f) the corrective measures taken to prevent recurrence of the emergency.

(3) The Authority may direct a person to cease constructing or modifying a petroleum logistics facility where the—

(a) construction works are being conducted without a construction permit;

(b) construction works are in breach of the terms and conditions specified in the construction permit; or

(c) issuance of the construction permit was based on false information or a forged document.

5. (1) A person who intends to construct or modify a petroleum logistics facility shall—
- Application for a construction permit.
- (a) apply to the Authority for a construction permit in Form 1 set out in the First Schedule;
 - (b) attach the documents in Table 1 set out in the Second Schedule to the application under sub-paragraph (a);
 - (c) execute an environment liability policy in Form 2 set out in the First Schedule; and
 - (d) remit to the Authority the application fees in the Third Schedule.
- (2) Within forty-five days of receipt of the application made under paragraph (1), the Authority shall—
- (a) assess the suitability of location of the petroleum logistics facility; and
 - (b) notify the applicant of the nature of the conditions that may be imposed on the issuance of the construction permit.
- (3) On receiving the notification under paragraph (2), an applicant shall within fifteen days, submit an undertaking to comply with the conditions imposed on the issuance of the construction permit in Form 3 set out in the First Schedule.
- (4) On receiving the undertaking submitted under paragraph (3), the Authority shall issue a successful applicant a construction permit in Form 4 set out in the First Schedule.
- (5) The Authority shall notify the applicant of the rejection of an application made under paragraph (1) and specify the reasons of the rejection within seven days of the rejection.
6. A construction permit shall be valid for twelve months from the date the construction permit was issued and include the period that may be extended under regulation 7.
- Validity of construction permit.
7. (1) A holder of a construction permit who intends to extend the validity of a construction permit shall—
- Extension of validity of construction permit.
- (a) apply to the Authority for the extension of the period in Form 1 set out in the First Schedule; and
 - (b) remit to the Authority the application fees in the Third Schedule.
- (2) An extension granted upon consideration of an application made under paragraph (1) shall not exceed twenty-four months from the date the construction permit was issued.
8. The holder of the construction permit shall—
- Obligations of a holder of a construction permit.
- (a) comply with the conditions of the construction permit;

- (b) only engage contractors registered under section 15 of the National Construction Authority Act;
- (c) comply with the environmental impact mitigation plan specified in the approved environmental impact assessment study report; and
- (d) comply with the local content plan approved by the Authority under section 50 of the Act.

Cap. 118.

9. (1) The Authority may suspend or revoke a construction permit where the holder does not comply with the conditions of the construction permit.

Suspension or revocation of a construction permit.

(2) Where the Authority believes that the holder of a construction permit has not complied with the conditions of the construction permit, the Authority shall issue the holder of the construction permit a notice of twenty-one days to show cause why the construction permit should not be suspended or revoked.

(3) Within thirty days of expiry of the notice period referred to in paragraph (2), the Authority shall —

- (a) issue the holder of the construction permit a notice of twenty-one days of revocation or suspension of the construction permit and specify the reasons for the intended revocation or suspension; or
- (b) rescind the notice issued under paragraph (1).

(4) Any suspension or revocation of a construction permit shall not indemnify the holder of the construction permit from any penalties for which the holder may have become liable under the Act or any other written law.

PART III—PETROLEUM BUSINESS LICENCE

10. (1) A person shall not conduct petroleum business unless the person has a petroleum business licence.

Application for a licence.

(2) A person who intends to conduct petroleum business shall —

- (a) apply to the Authority for a petroleum business licence in Form 5 set out in the First Schedule;
- (b) attach the documents in Table 2 set out in the Second Schedule to the application under paragraph (a);
- (c) execute an environment liability policy in Form 2 set out in the First Schedule; and
- (d) remit to the Authority the application fees in the Third Schedule.

(3) An applicant who intends to conduct the importation, wholesale and exportation of refined petroleum products shall attach the additional documents in Table 3 set out in the First Schedule to the application made under paragraph (2).

(4) The Authority shall consider the factors referred to in section 75 of the Act in determining an application made under paragraph (2).

(5) Within thirty days after an application being made under paragraph (2), the Authority shall issue a successful applicant with a petroleum business licence in Form 6 set out in the First Schedule.

(6) Where an application being made under paragraph (2) is rejected, the Authority shall notify the applicant of the reasons for the rejection in writing within seven days of the rejection.

(7) A person who contravenes paragraph (1) commits an offence and shall on conviction be liable to the penalty under section 24 (5) of the Statutory Instruments Act.

Cap. 2A.

11. (1) A licence issued to an applicant who conducts the importation, exportation and wholesale of refined petroleum products shall be valid for twelve months from the date of issue.

Validity of licence.

(2) A licence issued to an applicant who conducts the exportation and wholesale of refined petroleum products shall be valid for thirty-six months from the date of issue.

(3) A licence issued to an applicant who conducts the storage of refined petroleum products shall be valid for thirty-six months from the date of issue.

(4) A licence issued to an applicant who conducts the transportation of refined petroleum products via pipeline shall be valid for twelve months from the date of issue.

(5) A licence issued to an applicant who conducts the exportation and wholesale of crude oil shall be valid for twelve months from the date of issue.

(6) A licence issued to an applicant who conducts the importation, exportation and wholesale of bitumen, fuel oils or lubricant shall be valid for twelve months from the date of issue.

12. (1) A person who intends to renew a licence shall—

Renewal of licence.

(a) apply to the Authority for renewal of a petroleum business licence in Form 5 set out in the First Schedule;

(b) attach the documents in Table 4 set out in the Second Schedule to the application under paragraph (a); and

(c) execute an environment liability policy in Form 2 set out in the First Schedule; and

(d) remit to the Authority the application fees in the Third Schedule.

(2) An application under paragraph (1) shall be made a least thirty days before the expiry of the licence.

(3) An applicant who conduct the importation, wholesale and exportation of refined petroleum products shall attach the additional documents in Table 5 set out in the First Schedule to the application made under paragraph (1).

(4) Within thirty days after an application being made under paragraph (1), the Authority shall issue a successful applicant with a licence in Form 6 set out in the First Schedule.

(5) Where an application being made under paragraph (1) is rejected, the Authority shall notify the applicant of the reasons for the rejection in writing within seven days of the rejection.

13. (1) A holder of a licence may apply to the Authority for an amendment to the licence for the following reasons —

Amendment of licence.

- (a) an error in the text of the licence;
- (b) a change in the name of the holder;
- (c) an addition of storage for refined petroleum products;
- (d) the decommissioning of storage for refined petroleum products;
- (e) a change of the premises where petroleum business is conducted; or
- (f) a change in the address of the holder.

(2) Within thirty days of any of the change referred to in paragraph (1) taking effect, a holder of a licence shall make an application for the amendment of the licence in Form 7 set out in the First Schedule and remit to the Authority the application fees in the Third Schedule.

(3) Where an application made under paragraph (2) is based on the change of premises, the applicant shall attach a trade licence in respect of the proposed premises issued by the respective County Government, to the application.

(4) Where an application made under paragraph (2) is based on the change of the name of the holder, the applicant shall attach to the application,—

- (a) the particulars of the shareholders and directors of the applicant company issued by the Registrar of Companies in accordance with section 854 of the Companies Act within the preceding thirty days prior to making the application; or
- (b) a notice of change of particulars lodged in accordance with section 9 of the Registration of Business Names Act.

Cap. 486.

Cap. 499.

(5) Where an application made under paragraph (2) is based on an addition of storage for refined petroleum products, the applicant shall attach to the application an inspection report of the storage prepared in accordance with the Standards Act.

Cap. 496.

(6) Where an application made under paragraph (1) is based on a decommissioning of storage for refined petroleum products, the applicant shall attach to the application a decommissioning plan submitted to the Authority under section 39 of the Act.

(7) Upon considering an application made under paragraph (1), the Authority shall issue a successful applicant with an amended petroleum business licence in Form 6 set out in the First Schedule.

14. (1) A person who intends to transfer a licence shall—
- Transfer of a licence.
- (a) submit a request in writing to the Authority specifying the proposed changes;
 - (b) remit to the Authority the fees in the Third Schedule.
- (2) Within thirty days after receiving the request submitted under paragraph (1), the Authority shall issue the person a written consent to transfer the licence.
- (3) Where a request submitted under paragraph (1) is rejected, the Authority shall notify the person of the reasons for the rejection in writing within seven days of the rejection.
15. (1) Upon being issued with a licence, the holder shall—
- Obligations of holder of a licence.
- (a) operate the facility on which the petroleum business is being conducted in compliance with the Act;
 - (b) engage a third party to utilise or maintain servicing the facility on which the petroleum business is being conducted;
 - (c) comply with the Kenya Standards for refined petroleum products, the facility on which the petroleum business is being conducted, the equipment used at the facility and the operations at the facility;
 - (d) unless importing petroleum, only purchase petroleum from a holder of a licence; and
 - (e) only sell petroleum in Kenya to a holder of a licence, or a consumer for own consumption.
- (2) A holder of a licence who does not comply with paragraph (1) commits an offence and shall be liable on conviction to the penalty under section 24 (5) of the Statutory Instruments Act.
- Cap. 2A.
16. (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.
- Suspension or revocation of a licence.
- (2) Where the Authority believes that the holder of a licence has not complied with the Act, these Regulations or the conditions of the licence, the Authority shall issue the holder a notice of fourteen days to show cause why the licence should not be suspended or revoked.
- (3) The Authority shall determine whether the holder of a licence has not complied with the conditions of the licence within thirty days after expiry of the notice period referred to in paragraph (2).
- (4) Where the Authority determines that a holder of a licence has not complied with the conditions of the licence the Authority issue the holder a notice of twenty-one days of the intention to revoke or suspend the licence and specify the reasons for the intended revocation or suspension.

(5) Any suspension or revocation of a licence shall not indemnify the holder from any penalties for which the holder may have become liable under the Act or any other written law.

PART IV — MISCELLANEOUS

17. (1) A holder of a construction permit shall display a certified copy of the construction permit in a prominent position at the facility where the petroleum logistics facility is being constructed or modified.

Display of construction permit or licence at premises.

(2) A holder of a licence shall display a certified copy of the licence in a prominent position at the premises where the petroleum business is being conducted.

(3) A person who contravenes paragraph (1) or (2) commits an offence and shall be liable on conviction to the penalty under section 24 (5) of the Statutory Instruments Act.

Cap. 2A.

18. A licence and a construction permit shall at all times remain the property of the Authority.

Ownership of licence and construction permit.
Loss of licence or construction permit.

19. (1) Where a holder of a licence or construction permit loses a licence or construction permit, the holder shall—

- (a) submit a request in writing to the Authority for the replacement of the licence or construction permit;
- (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 fees in the Third Schedule.

(2) Within thirty days after receiving the request submitted under paragraph (1), the Authority shall issue the holder—

- (a) a licence in Form 6 set out in the First Schedule; or
- (b) a construction permit in Form 4 set out in the First Schedule.

(3) Where a request submitted under paragraph (1) is rejected, the Authority shall notify the holder of the reasons for the rejection in writing within seven days of the rejection.

20. (1) A holder of a licence or a construction permit shall not tamper with or deface a licence or a construction permit.

Tampering with or defacing a licence or construction permit.

(2) Where a holder of a licence or a construction permit tampers with or defaces the licence or construction permit, the holder shall—

- (a) submit a request in writing to the Authority for the replacement of the licence or construction permit;
- (b) attach a police abstract detailing the tampering with or defacement of the licence or construction permit;

(c) attach a sworn affidavit on the circumstances leading to the tampering with or defacement of the licence or construction permit; and

(d) remit to the Authority the fees in the Third Schedule.

(3) Within thirty days after receiving the request submitted under paragraph (2), the Authority shall issue the holder—

(a) a licence in Form 6 set out in the First Schedule; or

(b) a construction permit in Form 4 set out in the First Schedule.

(4) Where a request submitted under paragraph (2) is rejected, the Authority shall notify the holder of the reasons for the rejection in writing within seven days of the rejection.

21. (1) A holder of a construction permit shall submit to the Authority a report of an accident or incident that occurs at the facility on which the construction or modification is being conducted.

Reporting of accidents and incidents.

(2) A holder of a licence shall submit to the Authority a report of an accident or incident that occurs at the facility on which the holder is conducting petroleum business.

(3) The report referred to in paragraphs (1) and (2) shall be submitted within forty-eight hours of the occurrence of an accident or incident in Form 8 set out in the First Schedule.

(4) An accident or incident referred to in this regulation shall be one that causes—

(a) loss of life or permanent total disability to any person;

(b) damage to property or to the environment whose value exceeds one million shillings;

(c) an oil spill of at least one hundred litres;

(d) an accidental gas release of at least one hundred kilograms; or

(e) a fire or explosion that causes an accident or incident referred to in sub-paragraph (a) or (b).

(5) A holder of a licence or construction permit who does not comply with paragraphs (1), (2) or (3) commits an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings.

22. (1) A holder of a licence or a construction permit shall conduct an investigation into an accident or incident reported under regulation 21 within fourteen days of the occurrence of the accident or incident.

Investigation of accidents and incidents.

(2) Upon conclusion of the investigation conducted under paragraph (1), the holder of a construction permit or licence shall submit to the Authority a report and specify—

(a) the cause of the accident or incident;

- (b) the effect of the accident or incident on the environment;
- (c) the economic impact of the accident or incident;
- (d) the impact of the accident or incident, on the health of the persons at the facility; and
- (e) the proposed remedial measures and timelines of implementing the remedial measures.

(3) Upon receiving the report submitted under paragraph (2), the Authority shall review the report and shall within thirty days—

- (a) accept the report;
 - (b) request for adjustments; or
 - (c) reject the report and specify the reasons for the rejection; and
- direct the holder of the construction permit or licence to conduct such remedial measures as the Authority deems necessary.

(4) Despite paragraph (3), the Authority may investigate upon receiving a report submitted under paragraph (1).

23. A person aggrieved by a decision of the Authority which—

Appeal against the decisions of the Authority.

- (a) rejects an application for a construction permit or licence;
- (b) rejects an application to amend a licence;
- (c) rejects a request to replace or transfer a construction permit or licence;
- (d) suspends a construction permit or licence;
- (e) revokes a licence or construction permit; or
- (f) imposes conditions on a construction permit or licence,

may appeal to the Energy and Petroleum Tribunal within thirty days of receipt of the decision.

24. The Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 are revoked.

Revocation.
L. N. No. 95 of
2025.

25. (1) A construction permit issued prior to the coming into force of these Regulations shall remain valid until the date specified in the permit for the expiry of the validity of the permit.

Savings and
transition.

(2) A petroleum business licence issued prior to the coming into force of these Regulations shall remain valid until the date specified in the licence for the expiry of the validity of the licence.

FIRST SCHEDULE

FORMS

FORM 1—APPLICATION FOR CONSTRUCTION PERMIT

(r. 5(1)(a), 7(1)(a))

1. Type of application (tick as appropriate)
 - (a) ☐ New application
 - (b) ☐ Extension
 Extension details.....
2. Name of applicant.....
3. Details of applicant.....
 - (a) applicant's Kenya Revenue Authority Personal Identification Number.....
 - (b) postal address....
 - (c) email address....
 - (d) telephone number.....
 - (e) date of registration.....
 - (f) registration number.....
 - (g) proposed location of the business premises
 - (i) plot number.....
 - (ii) building name....
 - (iii) street.....
 - (iv) town.....
 - (v) county
4. Location:

Longitude: Latitude:.....
5. Details of proprietors or partners owning the business or directors or shareholder of the applicant

Name	Nationality	Number of shares	Passport or identity card number
.....			
.....			
.....			

6. Tank capacity and refined petroleum products

Tank	Refined petroleum product	Tank capacity
Tank 1		
Tank 2		

7. Reasons for not completing the construction works in the indicated time (for an application for extension).....

Signed: _____

Date: _____

FORM 2—ENVIRONMENT LIABILITY POLICY

(r. 5(1)(c), 10(2)(c), 12(1)(c))

I/We..... (Insert name of Applicant) am/are committed to the protection and preservation of the environment.

I/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—

- (a) comply with all applicable environmental preservation and sustainability legislation;
- (b) prevent pollution whenever possible through efficient waste management strategies that promote waste minimization, re-use, recovery, recycling, as appropriate;
- (c) promote and continually invest in technologies that provide alternatives to business travel and transport;
- (d) adopt a procurement programme which considers the environmental impact of refined petroleum products and services;
- (e) promote the protection and enhancement of biodiversity and ecosystems through employee awareness programs and stakeholder engagement;
- (f) ensure our staff are aware of the environmental impacts of their work activities and encouraging them through

regular awareness and training to minimize those impacts;

- (g) communicate our environmental commitment and efforts to our customers, staff and the community;
- (h) pursue a programme of continuous improvement by reviewing our Environmental Management System and related objectives and targets, policies and practices; and
- (i) report to the relevant authorities, accidents or incidents causing pollution of the environment, investigating the accidents or incidents and clean up or restore the affected areas.

Signature:.....

Designation:.....

Stamp or Seal:.....

Date:.....

FORM 3—WRITTEN UNDERTAKING TO COMPLY WITH
CONDITIONS OF CONSTRUCTION PERMIT

(r. 5(3))

I/We(*name of applicant*) of
P.O. Box..... being an applicant for a
Petroleum Logistics Facility Construction Permit warrants to
comply with the conditions of the Petroleum Logistics Facility
Construction Permit.

The particulars of the which are as follows—

Permit no.:	Petroleum logistics facility:
Plot no.:	Location:
Street:	Town:
County:.....	
Permit expiry date:	
Full name of applicant:	Phone number:
Signature of applicant:	Date:.....

If the name of the applicant not the owner of the land on which the petroleum logistics facility insert owner's signature here:	Phone number:
	Date:

FORM 4—PETROLEUM LOGISTICS FACILITY
CONSTRUCTION PERMIT

(r. 5(4), 19(2)(b), 20(3)(b))

PERMIT NO.

This construction permit is granted to
_____ of P. O. Box _____
to construct or modify the following petroleum logistics
facility—

.....

(Petroleum logistics facility)

Situated at: _____

Plot Number: _____

Street: _____

Town: _____

County: _____

This Permit shall be valid for a period
of: _____

Dated this: _____

Signature _____

Director-General of the Authority

(Common seal of the Authority)

FORM 5—APPLICATION FOR PETROLEUM BUSINESS
LICENCE

(r. 10(2)(a), 12(1)(a))

8. Type of application (tick as appropriate)
- (d) ☐ New application
- (e) ☐ Renewal application

9. Name of applicant.....
10. Details of applicant.....
- (n) applicant's Kenya Revenue Authority Personal Identification number.....
 - (o) postal address....
 - (p) email address....
 - (q) telephone number....
 - (r) date of registration.....
 - (s) registration number.....
 - (t) proposed location of the business premises
 - (i) plot number.....
 - (ii) building name....
 - (iii) street.....
 - (iv) town.....
 - (v) county
11. Location:
Longitude: Latitude:.....
12. Details of proprietors or partners owning the business or directors or shareholders of the applicant
- | Name | Nationality | Number of shares | Passport or identity card number |
|-------|-------------|------------------|----------------------------------|
| | | | |
| | | | |
| | | | |
13. Category of petroleum business licence:
- (a) ☐ petroleum logistics facility business licence;
 - (b) ☐ importation, wholesale and export of refined petroleum products;
 - (c) ☐ wholesale and export of refined petroleum products; or
 - (d) ☐ storage, refining and pipeline transportation of refined petroleum products.

14. Tank capacity and refined petroleum products

Tank	Refined petroleum product	Tank capacity
Tank 1		
Tank 2		

Signed: _____

Date: _____

FORM 6—PETROLEUM BUSINESS LICENCE

(r. 10(5), 12(4), 13(7), 19(2)(a), 20(3)(a))

LICENCE NUMBER _____

This Petroleum Business Licence is hereby granted to
 _____ *(Insert Name of Applicant)* of
 P. O. Box _____ to carry on the following petroleum
 businesses:

(PETROLEUM BUSINESS NAME)

On premises situated at: _____

Plot number: _____

Building: _____

Street: _____

Town: _____

County: _____

This Petroleum Business Licence is valid for a period of:

From:.....To:.....

Dated this: _____

Signature _____

Director-General of the Authority

*(Common seal of the Authority)*FORM 7—APPLICATION FOR AMENDMENT OF
PETROLEUM BUSINESS LICENCE*(r. 13(2))*

1. Licence number.....

2. Reason for amendment (*tick as appropriate*)
- (e) ☐ an error in the text of the licence;
 - (f) ☐ a change in the name of the holder;
 - (g) ☐ addition of storage for refined petroleum products;
 - (h) ☐ decommission of storage for refined petroleum products;
 - (i) ☐ change of the premises where petroleum business is conducted; or
 - (j) ☐ a change in the address of the holder.

Name of applicant:.....

Signed: _____

Date: _____

FORM 8—ACCIDENT OR INCIDENT REPORTING FORM

(*r. 21(3)*)

19. Name of owner of the premises:..
20. Name of operator of the premises...
21. Name of holder of licence or construction permit:.....
22. Motor Vehicle registration number....
23. Accident or incident location:
- (e) County.....
 - (f) Sub-County.....
 - (g) Location.....
 - (h) Village
24. Geographical spread of the accident or incident
.....
.....
.....
25. Time and date of accident or incident
26. Date reported to the holder of the licence or construction permit.....
27. Date reported to the Authority.....
28. Most probable cause of accident or incident
.....
.....
.....

29. Accident or incident impact:

.....

30. Police reference and reported date (where applicable).....

31. Reported by:

(e) Name.....

(f) Postal address.....

(g) Email address.....

(h) Telephone....

32. Number of injuries....

33. Number of fatalities.....

34. Scale of environmental damage

.....

35. Period the facility may be out of service...

36. Description of the events leading to the accident or incident

.....

Signed: _____

Date: _____

SECOND SCHEDULE

TABLES

TABLE 1—DOCUMENTS ATTACHED TO APPLICATION
 FOR PETROLEUM LOGISTICS FACILITY CONSTRUCTION
 PERMIT

(r. 5(1)(b))

8.	Any of the following:
	(a) The certificate of incorporation of the applicant issued under the Companies Act;
	(b) The certificate of registration of the applicant issued under the Societies Act;

	(c) The certificate of registration of the applicant issued under the Co-operative Societies Act; or
	(d) The certificate of registration of the applicant issued under the Registration of Business Names Act.
9.	The particulars of the shareholders and directors of the applicant company issued by the Registrar of Companies in accordance with section 854 of the Companies Act within the preceding twelve months prior to making the application.
10.	Copies of identity cards or passports of the shareholders and directors of the applicant company.
11.	Where the shareholders or directors of the applicant company are a company, the particulars of the shareholders and directors of the shareholder or director company issued by the Registrar of Companies in accordance with section 854 of the Companies Act within the preceding twelve months prior to making the application.
12.	Where a director of the applicant is a foreign national, a work permit issued under the Kenya Citizenship and Immigration Act.
13.	An outline of the methods of financing the construction or modification.
14.	A development permission issued under the Physical Land Use and Planning Act.
15.	A certificate of title, certificate of lease or other form of proof indicating the that the applicant has title over the land on which the construction or modification is to be conducted.
16.	The mechanical engineering design drawings of the petroleum logistics facility, and specify materials, all civil works and design or operational limitations of the petroleum logistics facility that are prepared by an engineer.
17.	The piping and instrumentation drawing of the petroleum logistics facility prepared by an engineer.
18.	A bill of quantities for the construction or modification that is prepared by professional engineer licensed under the Engineering Act.
19.	A certified copy of the practicing certificate issued under the Engineers Act for the engineer preparing the documents in paragraphs 9, 10 and 11.
20.	Drawings of the design of a fire suppression system and calculations showing adequacy of the system prepared by professional engineer licensed under the Engineering Act.
21.	An environmental impact assessment study report for the construction or modification.

TABLE 2—DOCUMENTS ATTACHED TO APPLICATION
FOR PETROLEUM BUSINESS LICENCE*(r. 10(2)(b))*

1.	Any of the following:
	(a) The certificate of incorporation of the applicant issued under the Companies Act;
	(b) The certificate of registration of the applicant issued under the Societies Act;
	(c) The certificate of registration of the applicant issued under the Co-operative Societies Act; or
	(d) The certificate of registration of the applicant issued under the Registration of Business Names Act.
2.	The particulars of the shareholders and directors of the applicant company issued by the Registrar of Companies in accordance with section 854 of the Companies Act within the preceding twelve months prior to making the application.
3.	Copies of identity cards or passports of the shareholders and directors of the applicant company.
4.	Where a director of the applicant is a foreign national, a work permit issued under the Kenya Citizenship and Immigration Act.
5.	A Tax Compliance Certificate for the applicant issued under the Tax Procedures Act.
6.	A trade licence issued by the respective County Government.
7.	A certificate of title, certificate of lease or other form of proof indicating that the applicant has title over the land on which the petroleum business is to be conducted.
8.	An environmental impact assessment study report for the petroleum business.
9.	A development permission issued under the Physical Land Use and Planning Act.
10.	A certificate of registration of the facility on which the petroleum business is to be conducted as a work place issued under the Occupational Safety and Health Act, 2007.
11.	A calibration certificate issued under the Weights and Measures Rules, 1993 for custody transfer meters and tanks at the facility on which the petroleum business is to be conducted.
12.	A summary of an emergency response plan for the facility on which the petroleum business is to be conducted.
13.	Certificates issued under the Industrial Training Act certifying that at least four employees of the applicant have been trained in the safe handling of petroleum.

TABLE 3—ADDITIONAL DOCUMENTS ATTACHED TO
APPLICATION FOR PETROLEUM BUSINESS LICENCE
FOR IMPORTATION, WHOLESALE AND EXPORTATION
OF REFINED PETROLEUM PRODUCTS

(*r. 10(3)*)

1.	Any of the following:
	(a) Proof of having conducted petroleum business in Kenya as a wholesaler with an annual sales volume of at least six thousand, six hundred cubic metres of petroleum;
	(b) A certificate of title, certificate of lease or other form of proof indicating the that the applicant has title for the preceding five years over the land on which at least five facilities where retail petroleum business has been conducted;
	(c) A certificate of title, certificate of lease or other form of proof indicating the that the applicant has title for the preceding five years over the land which is used as a petroleum bulk storage depot in Kenya; or
	(d) Where an applicant conducts petroleum business outside Kenya, certified audited accounts for the preceding three years indicating an annual turnover of at least ten million United States dollars for applicants with operations outside Kenya.
2.	Copy of an application for membership to an oil spill contingency group.

TABLE 4—DOCUMENTS ATTACHED TO APPLICATION
FOR RENEWAL OF PETROLEUM BUSINESS LICENCE

(*r. 12(1)(b)*)

1.	The particulars of the shareholders and directors of the applicant company issued by the Registrar of Companies in accordance with section 854 of the Companies Act within the preceding twelve months prior to making the application.
2.	Copies of identity cards or passports of the shareholders and directors of the applicant company.
3.	Where a director of the applicant is a foreign national, a work permit issued under the Kenya Citizenship and Immigration Act.
4.	A trade licence issued by the respective County Government.

5.	A Tax Compliance Certificate for the applicant issued under the Tax Procedures Act.
6.	A certificate of title, certificate of lease or other form of proof indicating the that the applicant has title over the land on which the petroleum business is to be conducted.
7.	An acknowledgement from the National Environment Management Authority of having received an annual environmental audit report of the previous year for the facility on which the petroleum business is being conducted submitted under the Environmental Management and Co-ordination Act.
8.	A certificate of registration of the facility on which the petroleum business is to be conducted as a work place issued under the Occupational Safety and Health Act.
9.	An inspection report of the storage prepared in accordance with the Standards Act
10.	Certificates issued under the Industrial Training Act certifying that at least four employees of the applicant have been trained in the safe handling of petroleum.

TABLE 5—ADDITIONAL DOCUMENTS ATTACHED TO APPLICATION FOR RENEWAL OF PETROLEUM BUSINESS LICENCE FOR IMPORTATION, WHOLESALE AND EXPORTATION OF REFINED PETROLEUM PRODUCTS

(*r. 12(3)*)

1.	Any of the following—
	(a) Proof of having conducted petroleum business in Kenya as a wholesaler with an annual sales volume of at least six thousand, six hundred cubic metres of petroleum;
	(b) A certificate of title, certificate of lease or other form of proof indicating the that the applicant has title for the preceding five years over the land on which at least five facilities where retail petroleum business has been conducted;
	(c) A certificate of title, certificate of lease or other form of proof indicating the that the applicant has title for the preceding five years over the land which is used as a petroleum bulk storage depot in Kenya; or

	(d) Where an applicant conducts petroleum business outside Kenya, certified audited accounts for the preceding three years indicating an annual turnover of at least ten million United States dollars for applicants with operations outside Kenya.
2.	Proof of membership in good standing to an oil spill contingency group.

THIRD SCHEDULE

FEES

(r. 5 (1)(d), 7(1)(b), 10(2)(d), 12(1)(d), 13(2), 14(1)(b), 19(1)(d), 20(2)(d))

	Category of authorisation	Amount in Ksh
4.	Construction permit	
	(d) Application for issuance	5,000
	(e) Application for renewal	2,000
	(f) Request for replacement	5,000
	(g) Request for transfer	5,000
5.	Licence for the importation, exportation and wholesale of refined petroleum products	
	(a) Application for issuance	20,000
	(b) Application for renewal	10,000
	(c) Application for amendment	1,000
	(d) Request for replacement	20,000
	(e) Request for transfer	20,000
6.	Licence for the exportation and wholesale of refined petroleum products	
	(a) Application for issuance	8,000
	(b) Application for renewal	5,000
	(c) Application for amendment	1,000
	(d) Request for replacement	8,000
	(e) Request for transfer	8,000

7.	Licence for the storage of refined petroleum products	
	(a) Application for issuance	20,000
	(b) Application for renewal	10,000
	(c) Application for amendment	1,000
	(d) Request for replacement	20,000
	(e) Request for transfer	20,000
8.	Licence for the transportation of refined petroleum products via pipeline.	
	(a) Application for issuance	20,000
	(b) Application for renewal	10,000
	(c) Application for amendment	1,000
	(d) Request for replacement	20,000
	(e) Request for transfer	20,000
9.	A licence for the exportation and wholesale of crude oil	
	(a) Application for issuance	8,000
	(b) Application for renewal	5,000
	(c) Application for amendment	1,000
	(d) Request for replacement	8,000
	(e) Request for transfer	8,000
10.	A licence for the importation, exportation and wholesale of bitumen, fuel oils or lubricant	
	(a) Application for issuance	20,000
	(b) Application for renewal	10,000
	(c) Application for amendment	1,000

	(d) Request for replacement	20,000
	(e) Request for transfer	20,000

Made on 10th November, 2025.

JAMES OPIYO WANDAYI,
Cabinet Secretary for Energy and Petroleum.