

PETROLEUM RULES.

General penalty

PART I—GENERAL

Citation

1. These Rules may be cited as the Petroleum Rules.

Definitions

2. In these Rules, unless the context otherwise requires—
"approved" means approved by the Licensing Authority;

"Licensing Authority" has the meaning assigned to it in rule 5 of these Rules;

"petroleum in bulk" means petroleum contained in a receptacle of a capacity exceeding five hundred gallons;

"premises" in connexion with the storage of petroleum includes an underground kerbside tank and the pumps and other works connected therewith;

"to store petroleum" means to keep it in any one place otherwise than is necessary in the ordinary course of transit.

Petroleum to which Rules apply. 3. (1) These Rules shall apply only to petroleum having a flashing point below 150° F. and the word "petroleum" shall be construed accordingly.

(2) For the purposes of these Rules petroleum is divided into—

petroleum Class A, having a flashing point below 73° F.; and

petroleum Class B, having a flashing point of 73° F. or above.

Saving in case of Government departments and armed forces

4. (1) Nothing in Part II or Part III of these Rules contained shall apply to petroleum kept or transported by rail by the East African Railways and Harbours Administration in accordance with the provisions of the Kenya and Uganda Railway Ordinance, 1927 (No.15 of 1927), or of any rules or orders made thereunder.

(2) Nothing in rule 7 or rule 13 of these Rules contained shall apply to petroleum kept or transported by the armed forces.

(3) Nothing in rule 7 of these Rules contained shall apply to the transport of petroleum by a department of the Government.

Licensing authorities; appeals

5. (1) Every administrative officer in charge of a district shall be a Licensing Authority for the purposes of these Rules.

(2) Any person aggrieved by any order or decision of a Licensing Authority made under the provisions of these Rules may appeal to the Minister whose decision shall be final.

PART II—TRANSPORT OF PETROLEUM BY ROAD

Saving in case of small quantities of petroleum

6. Nothing in this Part of these Rules contained shall apply to—

- (a) petroleum in the fuel tank of a vehicle;
- (b) Class A petroleum not exceeding twelve gallons in quantity;
- (c) Class B petroleum not exceeding twenty gallons in quantity, if such petroleum is for use only in the propulsion of the vehicle and, in the case of the petroleum referred to in paragraphs (b) and (c) hereof, is carried in air-tight tins not exceeding four gallons in capacity.

Licence necessary for transport of petroleum. 84 of 1981

7. (1) No person shall transport petroleum by road, except under the authority of a licence issued by the Licensing Authority in the Form No. 1 set out in the Schedule hereto.

(2) A licence to transport petroleum by road shall authorize the transport of petroleum in the vehicle or vehicles and within the area or over the routes specified in the licence.

(3) Every such licence shall expire upon the thirty-first day of December in the year in which it is issued.

(4) There may be attached to and endorsed upon every such licence such conditions relating to—

- (a) the times during which petroleum shall be transported;
- (b) the places at which vehicles transporting petroleum may be parked; and
- (c) notification to the licensing or other authority of the intended transport of petroleum, as the Licensing Authority may consider necessary in the interests of safety.

(5) The fee payable on the issue of a licence under this rule shall be sh.100 for every vehicle specified in the licence;

Transport of petroleum not in bulk

8. The following provisions shall apply to the transport of petroleum not in bulk—

(a) every vehicle carrying petroleum not in bulk shall be strongly constructed with sides and back of adequate height and shall be maintained in a good condition;

(b) no vehicle on which petroleum is carried shall carry—

- (i) other goods of an inflammable nature;
- (ii) passengers;

(c) no vehicle containing more than sixty-five gallons of petroleum shall remain stationary for more than thirty minutes within one hundred yards of any building;

(d) every vehicle transporting petroleum shall exhibit in conspicuous characters the words "Motor Spirit", "Kerosene" or other similar words indicating the nature of the contents;

(e) every vehicle whilst engaged in the transport of petroleum by road shall be constantly attended by at least one person;

- (f) every such vehicle shall carry at least one fire extinguisher;
- (g) no petroleum shall be loaded into or discharged from any vehicle—
 - (i) between the hours of sunset and sunrise; or
 - (ii) while the engine is running;
- (h) no person shall smoke, strike a match or carry any naked light while in or near a vehicle carrying petroleum;
- (i) no person shall convey in a hamali cart a greater quantity of petroleum than one hundred and ninety-five gallons nor at a speed exceeding walking pace.

Receptacles for conveyance of petroleum not in bulk

9. The following provisions shall apply to receptacles used in the transport of petroleum not in bulk—

- (a) petroleum shall be carried in strong metal receptacles in good condition and so constructed, secured and closed as not to be liable to become defective, leaky or insecure in transit;
- (b) all receptacles shall be so packed as not to project beyond the sides and back of the vehicle;
- (c) no receptacle shall be of more than sixty-five gallons capacity;
- (d) there shall be exhibited in conspicuous characters on every receptacle containing Class A petroleum the words "Motor Spirit", "Petrol" or other similar words indicating the nature of the contents;
- (e) an air-space of not less than two and a half per cent of its capacity shall be left in each receptacle containing Class A petroleum.

Duties of persons in charge of vehicles

11. The owner and person in possession, and the driver of every vehicle used for the conveyance, of petroleum shall be responsible for carrying out the provisions of this Part of these Rules and every such person shall take all reasonable measures to ensure—

- (a) that any person employed by him in connexion with such conveyance is acquainted with the provisions of these Rules; and
- (b) that such provisions are carried out.

Powers of inspection

12. A Licensing Authority or any person acting on his behalf or any police officer may stop and inspect any vehicle conveying petroleum by road for the purpose of ascertaining whether the provisions of the law relating to the transport of petroleum are being observed, and, in the case of a contravention of such provisions, may give such directions, to be obeyed by the driver and person in charge of the vehicle, as he considers necessary in the interests of safety. If any such person refuses to obey any order lawfully given under the provisions of this rule he may be arrested without a warrant and the Licensing Authority or other person may himself carry out, or cause to be carried out, any direction so given.

PART III—STORAGE

Licences necessary for storage of petroleum

13. (1) Save as provided in paragraph (2) of this rule, no person shall store petroleum except in accordance with a licence issued by the Licensing Authority in one of the forms set out in the Schedule to these Rules.

(2) No licence shall be necessary for the keeping of—

(a) Class A petroleum not exceeding forty-four gallons if contained in securely stoppered receptacles of glass or stoneware not exceeding one quart in capacity or in air-tight metal containers not exceeding forty-four gallons in capacity, each such receptacle and container being distinctly marked with the nature of the contents and the words "highly inflammable and asphyxiant; not to be used in the proximity of fire or in an unventilated room";

(b) Class A petroleum not exceeding eighty-eight gallons contained in forty-four gallons drums and used in connexion with a portable pump for the fuelling of vehicles, if kept in accordance with the written permission of the Licensing Authority and upon such conditions as the Licensing Authority may consider necessary in the interests of safety;

(c) Class B petroleum not exceeding five hundred gallons:

Provided that no person shall, within a municipality or township, store any class A petroleum in any building the sides or roof of which are wholly or mainly constructed of inflammable material.

Methods of storage and forms of licences

14. (1) Petroleum in bulk shall be kept in an installation or in an underground kerbside tank.

(2) Petroleum not in bulk shall, save as otherwise provided in rule 13 hereof and in this rule, be kept in a storage shed.

(3) A licence to store petroleum in an installation shall be in the Form No. 2 set out in the Schedule hereto and shall authorize the keeping of the quantity and description of the petroleum specified therein within the confines of the installation, whether in tanks, storage sheds or otherwise in accordance with the specifications and plans attached to the licence:

Provided that petroleum shall be kept in the open only in accordance with such conditions as the Licensing Authority may require in the interests of safety.

(4) A licence to store petroleum not in bulk shall be in the Form No. 3 set out in the Schedule hereto and shall authorize the storing of the quantity and description of the petroleum specified therein in one or more storage sheds according to the specifications and plans attached to the licence:

Provided that the holder of a licence to store petroleum not in bulk in a storage shed may with the approval of the Licensing Authority, store petroleum in drums in the open in accordance with such conditions as may be endorsed on the licence.

(5) A licence to store petroleum in an underground kerbside tank shall be in the Form No. 4 set out in the Schedule hereto.

Fees for licences. 36 of 1981

15. The annual fee for a licence to store petroleum shall be one hundred shillings for every five thousand gallons or part thereof with a maximum fee of two thousand shillings.

Applications for licences

16. Every application for the grant or renewal of a licence to store petroleum shall contain—

- (a) the name and address of the applicant;
- (b) a description of the premises to be licensed;
- (c) a description of the nature and quantity of the petroleum to be stored;
- (d) the number and date of existing licence if any.

Plans and specifications

17. (1) Every application for the grant of a licence shall be accompanied by specifications and plans in duplicate indicating—

- (i) the premises to be licensed, giving particulars of the materials and construction of each building;
- (ii) the position of the premises in relation to adjoining property including the distances from neighbouring buildings;
- (iii) in the case of an installation, the position and capacity of all tanks, storage sheds and filling stations, the position of all buildings, structures or other works within the installation, and the manner in which the petroleum is to be stored;
- (iv) all lighting arrangements including the position of electric cables, switches and fuse boxes, drainage system, water connexions, fire hydrants and fire-fighting appliances;
- (v) all information reasonably necessary to show that the premises and the proposed method of storage comply with the provisions of these Rules.

(2) One copy of the specifications and plans shall be attached to the licence by the Licensing Authority upon issue thereof.

(3) The site plans shall be drawn to a scale of not less than 1 /500th of an inch to one foot and the detail plans to a scale of not less than 1 /16th of an inch to one foot.

(4) No alterations in the licensed premises or in the method of storing petroleum therein as shown in the licence or in the specifications and plans attached thereto shall be made without the authority of the licensing officer, and if such alterations are approved, the licence and documents attached thereto shall be amended by the Licensing Authority accordingly.

Issue of licences; renewals; cancellations

18. (1) Licences for the storage of petroleum may be issued by the Licensing Authority to any fit and proper person if the Licensing Authority is satisfied that the conditions under which the applicant proposes to store the petroleum are in accordance with the provisions of these Rules.

(2) No licence to store petroleum within a municipality or a township shall be granted unless the local authority has approved of the site.

(3) No licence for the storage of petroleum in an installation shall be granted unless the plans and specifications have been approved by the Minister or his representative.

(4) Every licence shall expire on the thirty-first day of December in the year in which it was issued but may be renewed upon payment of the prescribed fee.

(5) If an application for renewal is made more than fourteen days before the date of expiry the premises shall be deemed to be duly licensed until such date as the Licensing Authority renews the licence or communicates to the applicant notice of his refusal to do so.

(6) If a Licensing Authority refuses to renew a licence he shall inform the applicant of his reasons in writing.

Conditions applicable to all storage sheds and installations

19. (1) No person shall, in or near any storage shed or installation, do any act which is likely to cause fire.

(2) No person shall smoke within a storage shed or installation, or have in his possession therein any matches or other articles of a highly inflammable or explosive nature except as permitted by these Rules:

Provided that this provision shall not apply to—

(i) smoking in offices and living quarters if so situated as to preclude danger from fire;

(ii) the possession of the necessary means of ignition for such fires as are necessary and authorized under the provisions of paragraph (2) of rule 20 of these Rules.

(3) There shall be posted in a conspicuous place at the entrance to every installation or storage shed a notice in English, Gujarati and Swahili to the effect that smoking and the possession of matches are prohibited.

(4) All operations within any installation or storage shed shall be conducted under the supervision of a responsible agent of the licensee.

(5) An adequate supply of dry sand or dry earth shall always be kept ready for immediate use in an installation and in or near a storage shed for the purpose of extinguishing fire.

(6) No petroleum shall be allowed to escape into any drain, sewer, harbour, river or watercourse.

Installations Precautions against fire

20. (1) Between the hours of sunset and sunrise installations shall be shut and no work shall be carried out except where electric lighting is exclusively used, or where special permission has been given in case of emergency by the Licensing Authority.

(2) There shall be no fire or naked lights within the installation except in the offices, tin-factory, soldering shed, welding shed, laboratory, living-quarters, engine-room, boiler-house and smithy.

(3) Electric lights near storage tanks or in or near storage, filling or soldering sheds or other danger zones shall be enclosed in stout metal lanterns of well-glass or bulkhead pattern, having close-fitting metal joints, extra stout glasses and stout wire protectors. Fuse and switch gear shall not be installed in any such situation as is mentioned above except when unavoidable, and in such a case shall be of extra stout iron-clad pattern with close-fitted metal joints throughout and suitable means for sealing cables at all entries.

(4) The ground in the interior of an installation shall be kept clean and free from waste vegetation and rubbish.

(5) No installation shall, without the permission in writing of the Licensing Authority, be used for any purpose other than the storage and distribution of petroleum and purposes directly connected therewith.

(6) An efficient fire service shall be provided in every installation and the employees shall be instructed periodically in the use of the various fire appliances.

(7) No petroleum shall be kept in any filling shed except such quantity as is necessary for the purpose of filling operations.

Storage of goods of inflammable nature

21. No goods of an inflammable nature, other than the petroleum for which the licence is issued, shall be kept within an installation except such as are necessary for the purposes of the installation and are stored in the manner indicated in the specifications and plans attached to the licence.

Tanks: distances

22. The distances between tanks, and between tanks and other buildings and between tanks and the boundaries of the installation shall, where the tanks are constructed below or partially below ground in accordance with the provisions of paragraphs (1) and (2) of rule 24 of these Rules, be not less than three feet, and, in the case of tanks constructed above ground, shall be in accordance with the following table- Capacity of tank in thousands of gallons Minimum distance in feet between tanks

Capacity of tank in thousands of gallons	Minimum distance in feet between tanks		Minimum distance in feet between tanks and boundary of installation of buildings		Minimum distance in feet between two tanks one of which contains Class A petroleum and the other of which contains Class B petroleum
	Class A petroleum	Class B petroleum	Class A petroleum	Class B petroleum	
Up to 12	3	3	10	10	3
Over 12 up to 18	3	3	15	10	3
Over 18 up to 24	5	3	15	10	4
Over 24 up to 30	10	3	20	10	7
Over 30 up to 40	10	3	25	15	7
Over 40 up to 75	13	10	25	15	12
Over 75 up to 100	15	10	25	15	13
Over 100 ...	50 feet or the diameter of the tank, whichever is the lesser.*		25	15	50 feet or the diameter of the tank, whichever is the lesser.*

*If tank is of a type which does not exhaust to atmosphere during normal working or is of is of the hemispheroid pressure type these distances may be reduced to 25 feet.

Tanks to be of approved construction. 23. Tanks shall be made of mild steel, or other approved material, and shall be designed and constructed according to British standards of or other standards approved by the Minister.

Tanks: construction of. 24. Tanks may be constructed entirely below, partially above, or completely above, the surface of the ground as follows—

(1) tanks entirely below the surface of the ground shall be covered to a minimum depth of twelve inches, with the exception of manhole covers. Where, in the event of a serious leakage, there is a possibility of water supplies, courses or drainage systems being contaminated, the tank shall be completely surrounded by puddled clay not less than twelve inches in thickness, or by concrete of a thickness and composition to be approved of by the Minister; (2) tanks partially above the surface of the ground may be set in one of the following methods—

(a) left exposed in a pit excavated in the ground, the sides of the pit to be carried out to easy slopes. The pit shall be capable of holding a volume of petroleum not less than five per cent in excess of the capacity of the tanks. Bunding may be resorted to to reduce the tank yard area, such bunding being provided with clay or other impermeable core;

(b) sunk not less than sixty per cent of their diameter or height and mounded over with soil to a minimum depth of twelve inches with the exception of the manhole covers. In such cases the siting of the tank and mound shall be so designed that the volume of fuel above normal ground level shall not exceed the volume of earth in the mound;

(c) sunk less than five feet and mounded as prescribed in paragraph (b) of this paragraph. The soil shall be supported by retaining walls constructed in brick, concrete or other material approved by the Minister; where in the event of a serious leakage, there is a possibility of water supplies, courses or drainage systems being contaminated, the following additional conditions shall apply—

under the method prescribed in paragraph (a) of this paragraph the floor and sides of the pit shall be formed of concrete or as may be otherwise approved by the Minister;

under the methods prescribed in paragraphs (b) and (c) of this paragraph the tank shall be mounded over with puddled clay not less than twelve inches in thickness or with concrete of a thickness and composition to be approved of by the Minister;

(d) the method prescribed in paragraph (3) of this rule for tanks completely above the surface of the ground may be applied as a further alternative method for use with tanks partially above the surface of the ground provided that the same effect is achieved;

(3) in the case of tanks constructed completely above the surface of the ground the following conditions shall be observed—

(a) (i) the tanks shall be supported on brick, stone or concrete piers, and shall be surrounded by a brick, stone, or concrete wall or by an earth bank forming an enclosure capable of holding a volume of petroleum not less than five per cent in excess of the capacity of the tanks;

(ii) where, in the event of a serious leakage, there is a possibility of water supplies, courses or drainage system adjacent to the installation being contaminated, the floor of the enclosure shall be formed of concrete or other material approved by the Minister and in such a case the enclosure shall be drained by a pipe fitted with a valve, actuated from the outside of the enclosure, which shall always be kept closed except when actually in use;

(iii) notwithstanding the provisions of this paragraph, the Minister may, in his absolute discretion, exempt any person from all or any of the requirements of subparagraph (a) (i) of this paragraph, and may impose such conditions on such exemption as he may deem to be fit;

(b) no water shall be allowed to accumulate in the enclosure;

(c) an ullage of not less than 2.5 per centum of their capacity (including the manhole) shall be provided in the tanks to allow for expansion;

(d) the Licensing Authority may require the provision of a fire-proof roof over unburied tanks where special conditions exist, such as danger from sparks;

(e) tanks shall be adequately protected from rust;

(f)(Deleted by L.N.201/1957.).

Conditions applicable to tanks

25. (1) All pumping mains and pipes shall be furnished with a means of stopping a flow of petroleum from the tanks in the event of any injury to the pipelines.

(2) All ventilating openings on tanks shall be protected by a diaphragm of strong non-corrodible wire gauze having a mesh of not less than twenty openings to the lineal inch. If not provided with such ventilating openings, each tank shall be fitted with a safety-valve of a type approved by the Minister.

(3) All manholes and other openings, except ventilating openings and safety-valves, shall be airtight when closed.

(4) The roofs of all tanks shall be gas-tight except for the ventilating openings.

(5) The capacity of a tank in gallons shall be conspicuously marked thereon.

(6) All leaks in tanks shall be promptly repaired. No person shall enter any tank without the authority of the manager of the installation. Before a tank is entered for the purpose of undertaking repairs, which would expose the interior atmosphere to contact with hot rivets or other source of artificial heat, the tank shall be thoroughly ventilated and found free from vapour after test by a competent person who shall furnish a certificate to this effect. Until a tank is certified free from dangerous vapour, only portable safety lamps, oil or electric, of types approved for use in fiery coal mines, shall be taken into it.

Soldering tins

26. (1) The soldering of filled tins shall not be carried out in the filling shed but in a separate building not less than fifty, or in the case of Class B petroleum twenty, feet distance therefrom.

(2) Soldering irons, unless electrically heated, shall not be heated in the same building as that in which the soldering takes place, unless each operation is carried on in a separate compartment divided by a fire-proof partition of metal or concrete containing an opening not less than three feet from the ground, the opening to be furnished with an iron shutter which can be closed at once in case of emergency; and each compartment shall be adequately ventilated.

(3) Fires used for heating solder bolts shall be at least three feet above ground-level.

Packing of petroleum

27. Petroleum not in bulk within the installation shall be contained in gas-tight tinned or galvanized sheet, iron, steel or lead plate receptacles fitted with well-made filling holes and well-fitted screw plugs, or fitted with screw caps or other metal air-tight caps, subject to the following conditions—

(a) a sufficient air space to allow of expansion shall be left in each receptacle at the time of filling;

(b) all receptacles shall be so substantially constructed and secured as not to be liable, except under circumstances of grave negligence or extraordinary accident, to be broken or become defective, leaky or insecure; and

(c) the nature of the contents and the words "highly inflammable and asphyxiant: not to be used in the proximity of fire or in an unventilated room" shall be distinctly marked on all receptacles containing Class A petroleum before dispatch from the installation.

Storage and filling sheds

28. A storage and filling shed shall not form part of the same building unless it is separated by a wall of metal sheeting, masonry or concrete. Such wall may contain a doorway giving direct communication between the storage and filling sheds if such doorway is of a type which may be immediately closed by a fire-proof door in case of emergency.

Storage Sheds

Conditions applicable to storage sheds

29. (1) Every storage shed shall be constructed entirely of non-inflammable material.

(2) The doorways and other openings of the storage shed shall be built up to a height of six inches above the level of the floor, or the floor sunk to a depth of six inches so that petroleum cannot flow out from the building in the case of its escape from the receptacle or receptacles in which it is contained.

(3) Adequate ventilation shall be provided.

(4) No fire or naked lights shall be allowed in or near a storage shed.

(5) The capacity in gallons shall be conspicuously marked on the storage shed.

(6) No vessel containing petroleum shall be opened and no petroleum shall be drawn from any vessel within the building in which petroleum is stored.

(7) No storage shed shall be used for any purpose other than the storage of petroleum for which the shed is licensed.

(8) These provisions shall apply to all storage sheds whether within an installation or otherwise.

Kerbside Tanks

Conditions applicable to underground kerbside tanks

30. (1) In the case of kerbside tanks the petroleum shall be stored in one or more gas-tight metal tanks, specially designed and treated on the outside surfaces to prevent corrosion, of a total capacity not exceeding five thousand gallons, sunk completely underground in the position shown on the plan submitted. Where flooding of the foundations is, in the opinion of the Licensing Authority, likely to occur, the tanks shall be placed in a pit lined with concrete or brick in cement, the tank being packed round with sand, earth or clay so that no air space is left below ground-level except for such space as may be necessarily so left in order to obtain access to the fittings on the tank. The pit shall be covered with a cement concrete slab or other suitable cover, access to fittings being obtained by means of a metal manhole cover.

(2) Where the foundations of underground tanks are free from flooding, the tanks may be placed direct in the ground without any concrete or brick pit or slab cover other than the manhole for containing and giving access to the fittings on the tank.

(3) A pump or pumps shall be placed in the position shown on the plan, the pipe connexion between the tank and the pump or pumps shall be placed underground and all joints, valves and cocks shall be installed and maintained in a gas-tight condition.

(4) For the purpose of fuelling motor vehicles the petroleum shall be pumped through approved measuring vessels, fixed in approved positions, through sound hose electrically bonded and fitted with an approved quick-acting leak-proof cock or with an approved nozzle, into the tanks of motor vehicles.

(5) All tanks, pumps, pipes and fittings shall be strongly constructed of approved materials.

(6) All tanks shall be fitted with a vent pipe leading into the open air, the open end being covered with strong wire gauze having a mesh of not less than four hundred openings to the square inch and fitted with a hood, or with an inlet valve and an exhaust valve. All such vents shall be maintained in serviceable condition.

(7) The tank shall be filled in such manner that no gas can escape except through the vent pipe during filling operations.

(8) The space over a buried tank shall only be used for purposes authorized by the Licensing Authority.

PART IV—TRANSPORT BY SEA, IMPORT, LOADING AND UNLOADING OF PETROLEUM

Section A

Interpretation

31. For the purposes of this Part of these Rules, unless the context otherwise requires—
"harbour" has the meaning assigned to it in the Harbours Regulation Ordinance, 1928;

"hold" includes the lower hold, all between deck and bridge deck and spaces between the same bulkheads which are served by the same hatchway, provided such spaces are included in the registered tonnage shown on the certificate of registry;

"loading" and "discharge" extend to cover the transit of petroleum between ship or lighter and railway vehicles and, in the case of petroleum not dealt with by means of railway vehicles, to the transit of such petroleum across the quays and land area falling within the harbour area;

"master" means any person having or taking command, charge or management of a ship for the time being; "owner of petroleum" includes any consignor, consignee, shipper or agent for the sale, receipt, custody, loading or discharge of the same as well as the owner;

"petroleum in bulk" means petroleum in any tank or container having a capacity of two hundred gallons or upwards whether in a ship or on shore;

"petroleum in receptacles" means petroleum in tins, in tins in cases, in drums or other receptacles other than tanks or containers used for petroleum in bulk;

"petroleum lighter" means a lighter having on board, or about to take on board, petroleum, or having discharged petroleum if the holds or other places have not been rendered free from inflammable vapour to the satisfaction of the Port Manager;

"lighter" includes lighter, dumb barge, pontoon, boat or similar craft not having its own means of propulsion and kept for use within the harbour only;

"petroleum ship" means any ship or craft, other than a petroleum lighter, having on board, or about to take on board, petroleum as ships' stores or cargo, or having discharged petroleum, if the holds and tanks have not been rendered free from inflammable vapour to the satisfaction of the Port Manager:

Provided that—

(i) ships, except native sailing ships, shall not be deemed petroleum ships by reason only of the presence on board of petroleum in any or all of the following circumstances—

(a) Class A petroleum and Class B petroleum in reasonable quantities carried as ships' stores and not as cargo, and stored in a safe place away from cargo and protected. If any question arises as to whether any petroleum carried as ships' stores is of an unreasonably large amount the decision of the Port Manager shall be final;

(b) when not exceeding 12 gallons of Class A petroleum and/ or 20 gallons of Class B petroleum;

(c) when carried as cargo in transit for discharge at another port and contained in receptacles and of a quantity not exceeding 800 gallons of Class A only or 800 gallons each of Class B petroleum or 1,600 gallons of Class B petroleum only and provided that this petroleum is carried in a safe and proper manner, either on deck and capable of speedy removal in case of fire, or in a properly ventilated hold provided such hold is not to be opened or worked during the vessel's stay in the port;

(ii) native sailing ships shall not be deemed to be petroleum ships by reason only of the presence on board of a quantity of Class B petroleum not exceeding four gallons;

"Port Manager" means the person in charge of any harbour.

Importation or distribution of refined petroleum products for use in Kenya.
88 of 2000.

L.N. 197/2003

31A. (1) Any, person engaged in the importation of refined petroleum products for use in Kenya other than—

(a) liquefied petroleum gas;

(b) bitumen; and

(c) low sulphur fuel oil, shall refine minimum quantities of crude petroleum oil as the Minister may, from time to time, prescribe, at the Kenya Petroleum Refineries Limited.

With effect from 1st January 2004, no person shall import or cause to be imported—

(a) such quantities as the Minister may prescribe of refined petroleum products other than those specified in paragraph (1) (a) , (b) and (c) or; , (

b) petroleum crude oil for refining and use in Kenya, other than through an open tender system centrally coordinated by the Ministry.

(1B) All importation of refined petroleum products other than those specified under paragraph (1) (a) , (b) and (c) shall, except where exempted by the Minister, be through the Kipevu Oil Storage Facility.

(2) The total quantity of petroleum crude oil to be processed in Kenya under paragraph (1) shall be one million six hundred thousand metric tonnes per calendar year and shall be shared prorata on the basis of each crude oil importing company's market share by oil importing companies as shall be determined from time to time by the Minister.

(3) For the purposes of issuing a trade licence under the Trade Licensing Act, the Minister shall ensure compliance with paragraphs (1) and (2) of this rule.

(4) Any person who contravenes this rule shall be guilty of an offence and shall be liable to a fine not exceeding six thousand shillings or to imprisonment for a term not exceeding six months, or to both, each time the offence occurs and the court before which any person is convicted under this rule may order that the trade licence for the company, issued under the Trade Licensing Act, in respect of the importation of such crude oil be revoked.

Section B Notice of arrival

32. The owner of, or the agent for, a petroleum ship shall, when ever possible, give written notice to the Port Manager 24 hours in advance of the expected arrival of any such ship.

Distinguishing flags or lights

33. The master of every petroleum ship shall, on nearing the harbour and/or during the time that such ship remains in the harbour, display by day a red flag and by night a red light at the masthead or where it can best be seen but not less than 20 feet above the deck in addition to any navigation lights which may be required:

Provided that, in the case of native sailing ships or other craft which cannot normally comply with the provisions of this rule there shall be displayed by day a red flag and by night a red light at the masthead or where it can best be seen.

Declaration on arrival

34. (1) The master of every petroleum ship shall, before entering the inner harbour, deliver to the pilot a written declaration under his signature stating—

(a) the quantity of petroleum the ship is carrying whether as cargo or as ships' stores and the manner in which the petroleum is stowed or carried;

(b) whether any, and if so, what part of it is Class A petroleum;

(c) whether any, and if so, what part of it is Class B petroleum;

(d) what quantity of petroleum, specifying the class, it is intended to land at the harbour.

(2) The master of any ship which has discharged petroleum at any port shall declare the fact to the Port Manager and certify whether the ship, tanks and/or holds, have been steamed or cleaned and rendered free from vapour.

(3) The Port Manager shall be afforded the fullest facilities for checking the accuracy of the above declaration. The master of the ship or the owner of the petroleum shall supply samples of the petroleum carried if called upon to do so by the Port Manager.

35. Before any petroleum ship enters a harbour, all holds and tanks containing petroleum or petroleum vapour shall be securely and safely closed until the ship leaves the harbour, except at such times as petroleum is being loaded or discharged or as otherwise may be authorized by the Port Manager.

Berthing of ship; employment of pilot and tug

36. (1) The master of every petroleum ship shall anchor or moor his ship at such a place as the Port Manager may direct and shall not move his ship without the written order or permission of such manager. No petroleum ship shall be anchored or moored at any place other than that approved by the Port Manager.

(2) When moving in the harbour, petroleum ships are to have one or more tugs in attendance if and as considered desirable by the Port Manager.

Notice of loading or discharge

37. Before any petroleum is loaded or discharged, the owner of the petroleum shall give due notice in writing to the Port Manager and no petroleum ship shall load or discharge petroleum until the Port Manager has given authority for the work to begin

Holds to be ventilated before discharging petroleum in tins, etc.

38. Before any petroleum in receptacles is removed from the holds, the holds shall be thoroughly ventilated.

Place and manner of loading and discharge

39. (1) Petroleum shall only be loaded or discharged at such places as the Port Manager shall, from time to time, direct.

(2) The Port Manager may give directions governing the manner in which petroleum is to be loaded or discharged and, in the case of mixed cargoes consisting of Class A petroleum, Class B petroleum, other goods, passengers or any other cargo, the Port Manager may direct the order in which the cargo is to be worked.

Ventilation outlets

40. During the loading or discharge of petroleum all ventilator outlets of any hold containing petroleum shall be covered with wire gauze or provided with other flame-proof protection.

Receptacles to be staunch and free from

leakage. 41. No petroleum contained in receptacles shall be loaded or discharged unless such receptacles are of such strength and construction as not to be liable to be broken or to leak.

Watch during

loading and/or

discharge. 42. Every petroleum ship shall be watched by a competent person on board such ship until all petroleum has been loaded or discharged and the holds or tanks securely closed.

Power of Port Manager to order operations to cease. 43. The Port Manager may, at any time, give orders to masters of ships loading or discharging petroleum at once to cease operations and remove the ship to a specified distance from any quay and/or other shipping.

Ships not to be unnecessarily delayed

44. (1) Petroleum ships shall be loaded and discharged with all reasonable speed and shall leave the harbour without delay unless the permission of the Port Manager is obtained for the ship to remain.

(2) Native and other sailing ships having petroleum on board shall not remain in the harbour between the hours of sunset and sunrise except by permission of and under such conditions as may be prescribed by the Port Manager.

Render tanks or holds free from inflammable vapour

45. Any petroleum ship for which permission to remain in the harbour after discharge is desired may be required to render its tanks or holds free from inflammable vapour to the satisfaction of the Port

Manager

Readiness to manoeuvre.

Sufficient crew to remain on board

46. Every petroleum ship having petroleum on board shall, while within a harbour, have always on board not less than one officer, one engineer and half the crew, and the engine's boiler and machinery shall not be dismantled in any way but shall be maintained in working order so that the vessel is able to manoeuvre under her own power in the shortest possible time.

Port representative on board.

Inspection

47. (1) The Port Manager may place and retain a representative on board any petroleum ship at any time.

(2) The master of any petroleum ship shall, when so required by the Port Manager, afford every reasonable facility to enable the Port Manager to ascertain whether the provisions of these Rules are being observed.

Prevention of leakage of petroleum

48. (1) No petroleum or water mixed with petroleum or water prevention or from bilges or tanks or water used for flushing out pipes and connexions or sand used to absorb petroleum shall be discharged or allowed to escape into the waters of a harbour.

(2) When bulk petroleum is being loaded or discharged all pipes and connexions on board and on the shore or between a ship and a quay shall be maintained in an efficient condition and shall be reasonably free from leakage.

(3) During the loading or discharge of petroleum in bulk a competent watch shall be constantly maintained near the pipes and connexions.

(4) After the completion of the loading or discharge of petroleum in bulk the pipes used are to be flushed out with water or emptied by such other means as may be considered satisfactory by the Port Manager.

(5) Petroleum escaping on board the ship or lighter or on shore shall be immediately absorbed by sand and removed.

Fire precautions on board a petroleum ship

49. Every petroleum ship when discharging or loading or while hatches are open, shall have her fire hoses connected and all fire on board a extinguishing appliances ready for immediate use.

Unauthorized craft not allowed alongside

50. No motor launches, boats, or other craft may approach within a distance of 200 feet of a petroleum ship loading or discharging petroleum, except that—

(a) tugs provided by the Port Manager may be used for the purpose of berthing or manoeuvring petroleum ships;

(b) boats belonging to the East African Harbours Corporation, the master or agent of the ship, or the owner of the petroleum, when in charge of a competent man, may go alongside a petroleum ship;

(c) motor launches belonging to the East African Harbours Corporation, the master or agent of the ship, or the owner of the petroleum, may go alongside a petroleum ship, which cannot be boarded direct from a quay, when such motor launches are maintained and operated to the satisfaction of the Port Manager, and are in charge of a competent man;

(d) lighters used for working a particular ship if such use has been previously approved by the Port Manager.

Regulations to apply in case of mixed cargoes of dangerous petroleum and common petroleum.

51. Petroleum ships loaded with mixed cargoes of Class A petroleum and Class B petroleum shall comply with the rules appearing in Section C hereof as if the whole cargo were dangerous petroleum.

Section C—Special Regulations Applicable to Class A Petroleum

Isolation of ships carrying dangerous petroleum

52. (1) Two or more petroleum ships having Class A petroleum on board shall not, except for purposes of transshipment, lie within 100 feet of one another, unless a lesser distance be specially sanctioned by the Port Manager, subject to such conditions as he may prescribe.

(2) Save as provided in rule 50 hereof, no other ship or craft with lights or fires on board or any person smoking on board shall be allowed within 200 feet of any petroleum ship loading or discharging Class A petroleum or with holds or tanks containing Class A petroleum or vapour unless a reduced distance (which shall not in any case be less than 100 feet) be specially sanctioned by the Port Manager and subject to such conditions as he may prescribe.

Wooden vessels not to carry dangerous petroleum

52A. No person shall cause or permit any ship, lighter or other vessel, whose hull is constructed or mainly constructed of wood, to have or take on board Class A petroleum:
Provided that the Port Manager may in his discretion permit the carriage on any such vessel of a quantity not exceeding 264 gallons of Class A petroleum contained in steel drums.

Loading or discharge of dangerous petroleum

53. (1) Class A petroleum shall not be loaded or discharged except between the hours of sunrise and sunset:

Provided that any vessel which has begun such operation before sunset and which has the ship and pipe connexion ashore lit by electricity to the satisfaction of the Port Manager may be permitted by him to continue loading or discharging.

(2) When loading or discharging Class A petroleum in bulk-

(a) no other cargo shall be worked in the vessel concerned;

(b) the loading or discharging shall continue with due diligence, and if it is discontinued for any reason whatsoever, all holds, tanks and connexions shall immediately be closed;

(c) where any occurrence necessitates repairs to the plant, pipes or connexions or interferes in any way with the uninterrupted loading or discharging and the operation cannot be resumed before sunset, then it shall be discontinued until after sunrise unless the pipe line is first cleared by water.

(3) When loading or discharging Class A petroleum in receptacles—

(a) no other cargo shall at the same time be loaded into or discharged from the vessel, nor shall any other cargo be handled or worked at a hatch or in a hold where Class A petroleum is being handled or is contained;

(b) no such petroleum shall be brought to or discharged at a quay until the means by which it is to be removed from the quay is in readiness, and the rate of loading or discharge shall be so adjusted that no undue accumulation thereof shall occur on the quay, and the quay shall be left clean at all times during which such operation is suspended.

54—(Deleted by G.N.286/1954.)

Fires and lights

Limitation on use of fires and lights

55. Save as provided in rule 53 hereof, from the time when the holds or tanks of any ship containing Class A petroleum or vapour are first opened and until such time as they shall have been securely closed as required by these rules or, in the case of discharge of dangerous petroleum, until the holds or tanks shall have been so closed or rendered free from inflammable vapour, there shall be no fire or artificial light on board such ship. Where Class A petroleum is being loaded or discharged, there shall be no fire or artificial light at or near the quay where such loading or discharge is being carried out, or upon which Class A petroleum is lying:

Provided that—

(i) nothing in this rule contained shall prevent the use of lamps, heaters, cookers or other similar type of safe apparatus, electric or otherwise, so designed, constructed and maintained as to be incapable of igniting inflammable vapour;

(ii) subject to the approval of and to any conditions prescribed by the Port Manager, this rule shall not be deemed to prohibit the loading or discharge of dangerous petroleum—

(a) in special cases by means of steam from a ship's own boilers placed in a position away from cargo holds and pump-rooms or, alternatively, by electric power generated by means of steam from boilers or internal combustion engines placed in a position as aforesaid and operating electric motors so designed, constructed and maintained to be incapable of igniting inflammable vapour and maintained in accordance with Lloyd's or other approved society's requirements;

(b) by means of electric motors and other machinery designed, constructed and maintained as aforesaid and brought into use by means of steam supplied from the shore.

Smoking and matches

56. During the loading and discharging of Class A petroleum or, when the holds or tanks containing Class A petroleum or vapour are open, or when Class A petroleum is stacked on deck, the master shall be responsible for ensuring that no smoking takes place on the ship or on the gangways; and the owner of the Class A petroleum shall be responsible for ensuring that no smoking takes place at or near the quay where Class A petroleum is being loaded or discharged or lying and that the master and owner shall be responsible for ensuring that no person under their control engaged in connexion with the loading or discharge of Class A petroleum shall carry fuses, matches or any appliance for producing ignition within a distance of 100 feet of any such petroleum.

Escaping vapour of dangerous petroleum to be passed through gas line

57. When loading dangerous petroleum in bulk or when loading petroleum of any kind in bulk, or water into a ship's tank which has previously contained Class A petroleum, the escaping vapours shall be passed through the gas line which is to be carried to a point on the mast ten feet above the mast-

head light. All hatches, cocks, valves or other direct openings to the atmosphere shall be securely closed.

Suspension of loading or discharge of dangerous petroleum during storm

58. During a storm accompanied by lightning, the loading or discharging of Class A petroleum shall be suspended and holds, tanks and valves closed.

Suspension of scraping, etc., during loading or discharge

59. Iron or steel hammers or other instruments capable of causing a spark shall not be used for the purpose of opening or closing hatches on tank lids of a petroleum ship and during the loading or discharging of Class A petroleum, no scraping, chipping or any other work which might cause sparks shall be permitted.

Wire hawsers as to tow ropes

60. All petroleum ships, before commencing to load or discharge Class A petroleum, shall have wire hawsers of suitable size, one fore and one aft, hanging to water edge with shackle fitted to attach tow rope of tug if necessary in case of fire.

Section D—Special Regulations Applicable to Class B Petroleum

Loading or discharge of common petroleum

61. (1) Class B petroleum shall not be loaded or discharged except between the hours of sunrise and sunset:

Provided that such petroleum when in bulk may be loaded or discharged at night if the ship and pipe connexions ashore are lit by electricity to the satisfaction of the Port Manager.

(2) The Port Manager may authorize the working of Class B petroleum on deck at night when electric lighting is used and arrangements are made for generally safe working to his satisfaction.

(3) No general cargo shall be worked between the hours of sunset and sunrise in a hold, or at any hatch of a hold, which contains Class B petroleum.

(4) No general cargo shall be loaded or discharged into or from a vessel at the same time as Class B petroleum contained in receptacles unless such cargo and such petroleum are loaded or discharged into or from separate holds.

(5) No person shall cause or permit any Class B petroleum in receptacles to remain on any quay between the hours of sunset and sunrise except by permission of, and in accordance with any conditions imposed by, the Port Manager.

Fires and lights

Limitations on use of fires and lights

62. Save as provided for in rule 61 hereof, from the time when the holds or tanks of any ship containing Class B petroleum or vapour are first opened and until such time as they have been securely closed as required by these Rules, or, in the case of discharge, until the holds or tanks shall have been so closed or rendered free from inflammable vapour, there shall be no fire or artificial light at or near the holds or tanks or near the quay where the loading or discharge is being carried out or upon which the Class B petroleum is lying:

Provided that nothing in this rule contained shall prevent the use of lamps so designed, constructed and maintained as to be incapable of lighting inflammable vapour.

Smoking and matches

63. During the loading or discharge of Class B petroleum or, when the holds or tanks containing Class B petroleum or vapour are open, or when Class B petroleum is stacked on deck, the master shall be responsible for ensuring that no smoking takes place at or in the proximity of the holds or tanks or decks and the owner of the petroleum shall be responsible for ensuring that no smoking takes place at or near the quay and, in any case, not within a distance of 100 feet from where the petroleum is being discharged or loaded, or lying.

Section E—Special Regulations Applicable to Petroleum Lighters

General obligations of owner or hirer of a petroleum lighter

64. For the purpose of this Part of these Rules a petroleum lighter shall be deemed for all purposes to be a petroleum ship present in the harbour and the owner or, in the case of a hiring, the hirer shall conform with, and be responsible for, the observance of and shall accept the same liabilities under the rules relating to petroleum ships to the same extent as if the petroleum lighter were a petroleum ship present in the harbour of which he were a master and in relation to which he were a petroleum owner: Provided always that the provisions of rules 42, 44, 46, 49 and 60 hereof shall not apply petroleum lighters, and the provisions of rules 40 and 45 hereof shall not so apply unless the petroleum lighter is provided with closed holds.

For the purpose of this rule, a petroleum lighter not provided with closed holds shall be deemed to be a petroleum ship with holds open.

Working of two or more lighters to one ship or quay

65. Notwithstanding the provisions of rule 52 hereof, two or more lighters may, with the previous consent of the Port Manager, work to one ship or quay.

Special obligations of owner or hirer of a petroleum lighter

66. Without prejudice to the provisions of rule 64 hereof, the owner or, in the case of a hiring, the hirer of a petroleum lighter shall be responsible for ensuring that—

- (a) the lighter is not loaded to a greater capacity than is authorized by the Port Manager;
- (b) all petroleum loaded on to the lighter is protected by tarpaulins from sparks;
- (c) every lighter shall have a watchman on board throughout the time petroleum remains loaded, and shall be provided with fire extinguishing appliances ready for immediate use;
- (d) petroleum shall be loaded and discharged therefrom with all reasonable speed and shall remain under load for as short a time as possible;
- (e) petroleum shall not remain on board such lighter between the hours of sunset and sunrise except by permission of and subject to such conditions as may be prescribed by the Port Manager.

Section F—Responsibility of Agents

Responsibility of agents

66A. The agent for a petroleum ship is responsible that the master of such ship is fully conversant with the provisions of Part IV of these Rules.

Licensing authority may require repairs to licensed premises

67. Where the Licensing Authority calls upon a licensee, by a notice in writing, to execute any repairs to the licensed premises, which may, in the opinion of such Authority, be necessary for safety the licensee shall execute the repairs within such period as may be fixed by the notice.

Powers of entry: unauthorized persons

68. (1) The Licensing Authority may at all times enter or authorize any person to enter any premises licensed under these Rules for the purpose of ascertaining whether the provisions thereof are being observed.

(2) Except as provided in paragraph (1) of this rule no person shall, without the consent, express or implied of the licensee or his manager or agent, enter any licensed premises.

Responsibilities of licensee

69. The licensee shall take all reasonable and proper steps to ensure—

(a) that the provisions of these Rules and the conditions of the licence are known to, and observed by, all persons employed in or about the licensed premises;

(b) that unauthorized persons do not have access to the licensed premises.

Power to exempt

70. The Minister may, by notice in the Gazette, authorize any licensing authority to exempt all or any persons in Kenya, or in any particular area of Kenya, from all or any of the provisions of these Rules, either indefinitely or during such periods as may be specified in such notice.

L.N. 64/1999 71. (1) All petroleum fuels meant for export except jet kerosene shall be marked with a chemical marker approved by the minister.

(2) All illuminating kerosene intended for sale in the country shall be marked with a particular type of chemical approved by the Minister.

(3) Any person who contravenes paragraph (1) and (2) shall be guilty of an offence and liable to a fine not exceeding five hundred shillings for every day on which the offence occurs or continues, and the court before which any person is convicted under this rule may order that the petroleum in respect to which the offence is committed and any vessel in which it is contained be forfeited or that the trade licence for the company be revoked or that the petroleum be otherwise dealt with in such a manner as the court may think fit.

L.N.86/81.

SCHEDULE

FORMSFORM No. 1

(r. 7)

THE PETROLEUM RULES

LICENCE TO TRANSPORT PETROLEUM BY ROAD

..... is by this licence authorized to transport Petroleum Class by road subject to the provisions of Part II of the Petroleum Rules on the following route(s) (or within the following areas)—

.....
.....
.....

by means of the following vehicles—
Registered No. Type
Registered No. Type
Registered No. Type
Registered No. Type

The following conditions shall be observed by the holder of this licence—

(Set out *special conditions if any.)
.....
.....
.....
.....

This licence expires on the 31st December, 19.....

FEE: Sh. 5. PAID SH.....

Date, 19.....

.....
Licensing Authority

* See rule 7.

FORM No. 2
(r. 14 (3))

THE PETROLEUM RULES

LICENCE TO STORE PETROLEUM IN AN INSTALLATION

Licence is hereby granted toof for the storage of the undermentioned petroleum, that is to say—

in bulk Petroleum Class A gallons
Petroleum Class B gallons
not in bulk Petroleum Class A gallons
Petroleum Class B gallons
within the installation situated at in accordance with the plans and specifications attached hereto.

No. of plan attached to licence

Date of issue, 19.....

This licence expires on the 31st December, 19.....

Application for renewal should be made not later than the 15th December.

FEE: Sh. (rule 15).

.....
Licensing Authority

RENEWALS Date Signature of Licensing Authority

.....
.....
.....
.....

FORM No. 3 (r. 14 (4))

THE PETROLEUM RULES

LICENCE TO STORE PETROLEUM NOT IN BULK

Licence is hereby granted to of for the storage of the undermentioned petroleum not in bulk, that is to say—

Petroleum Class A gallons
Petroleum Class B gallons
in the storage shed (s) on the premises situated at and described in the plans and specifications attached hereto.

No. of plan

Date of issue 19.....

This licence expires on the 31st December, 19.....

Application for renewal should be made not later than the 15th December.

FEE: Sh. (rule 15).

.....
Licensing Authority

RENEWALS Date Signature of Licensing Authority

.....
.....
.....

G.N.837/1948. FORM No. 4 (r. 14 (4))

THE PETROLEUM RULES

LICENCE TO STORE PETROLEUM IN AN UNDERGROUND KERBSIDE TANK

Licence is hereby granted to of for the storage of the undermentioned petroleum, that is to say—

Petroleum Class gallons in underground kerbside/tank(s) at the premises situated at, in accordance with the plans and specifications attached hereto.

No. of plan

Date of issue, 19.....

This licence expires on the 31st December, 19.....

Application for renewal should be made not later than the 15th December.

FEE: Sh. (rule 15).

.....
Licensing Authority

RENEWALS
Date Signature of Licensing Authority
.....
.....
.....

NOTICE

(Under rule 70)

EXEMPTIONS

With effect from the 31st August, 1948, all persons in the Northern Province are exempted from the provisions of paragraphs (b), (c), (d), (f) and subparagraph (i) of paragraph (g) of rule 8 of the Petroleum Rules.