PETROLEUM PRODUCTS (ROAD TRANSPORT BUSINESS) REGULATIONS, 2018

ARRANGEMENT OF REGULATIONS

Regulation

PART III – PETROLEUM PRODUCTS ROAD TRANSPORT BUSINESS LICENSING AND ANCILLARY MATTERS

PETROLEUM PRODUCTS ACT, 2016
(Act No.12 of 2016)

PETROLEUM PRODUCTS (ROAD TRANSPORT BUSINESS) REGULATIONS, 2018

IN EXERCISE of the powers conferred on the Minister under section 33 of the Petroleum Products Act 2016, these Regulations are made.

PART I – PRELIMINARY

1. Citation

These Regulations may be cited as the Petroleum Products (Road Transport Business) Regulations, 2018.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires –

"Act" means the Petroleum Products Act 2016;

"appurtenance" means any cargo tank accessory attachment that has no lading retention or containment function and provides no structural support to the cargo tank;

"Authority" means the Public Utilities Regulatory Authority;

"blending" means combining petrol with another kind of petroleum product or any other chemical substance;

"best practice" means a generally-accepted, informally- standardised technique, method, or process that –

(a) has proven over time to accomplish given tasks, and

(b) is commonly used where a specific format or methodology is not in place or an existing methodology does not sufficiently address an issue;

"bonding" means an electrical connection between an electrically conductive object and a component of a lightning protection system that is intended to significantly reduce potential difference created by lightning currents;

"bulkhead" means a liquid-tight transverse closure at the ends of or between cargo tanks;

"bulk" means a quantity of not less than one thousand five hundred of petroleum products in one transaction;

"bulk facility" includes a storage depot, a distribution terminal and a refinery;

"cargo tank" means a bulking packaging which –

(a) is used primarily for the carriage of liquids or gases, and includes appurtenances, reinforcements, fittings, and closures,

(b) may permanently be attached to, or form part of a tanker, but which, by reason of its size, construction or attachment to a tanker is loaded or unloaded without being removed from the motor tanker. and

(c) is not fabricated under a specification for a cylinder, a portable tank, a tank car, or a multi-unit tank car;

"cargo tank wall" means those parts of a cargo tank which make up the primary lading retention structure including the shell, bulkheads, and fittings which, when closed during transportation of lading, yields the minimum volume of the cargo tank assembly;

"certified copy" means a photocopy of an original document which has been notarised and marked with the words "true copy of the original";

"coaxial system" means means a type of stage I system which consists of an inner tube within a fill tube and includes a single coupling which services both the product hose and the vapor recovery hose;

"hydrostatic test" means an experiment which is performed to determine the strength of a pressure vessel such as a pipeline, plumbing, a gas cylinder, a boiler and a fuel tank, or whether the pressure vessel leaks;

"leak" or "leakage" means a gradual discharge or loss of fuel from a fuel storage tank system, tanker or vessel into the environment, other than through the usual function for which the fuel storage tank system is designed;

"liquid" includes a petroleum product, according to the following classification –

(a) Class 0: liquefied petroleum gases,

(b) Class I: liquids, which shall be subdivided as follows –

(c) Class IA: liquids that have a closed-cup flash point of below 23°C and boiling point of below 35°C,

(d) Class IB: liquids that have a closed-cup flash point of below 23°C and a boiling point of 35°C or above,

(e) Class IC: liquids that have a closed-cup flash point of 23°C or above, but below 38 °C,

(f) Class II: liquids that have a closed-cup flash point of 38°C or above, but below 60.5°C,

(g) Class IIIA: liquids that have a closed-cup flash point of 60.5°C or above, but below 93°C, and

(h) Class IIIB: liquids that have a closed-cup flash point of 93°C or above;

"material safety data sheet" means a document that contains information on the potential health hazards, fire hazards, reactivity hazards and environmental hazards and how to work safely with a chemical product;

"Minister" means the Minister and the Ministry of Petroleum and Energy; and "Ministry" shall be construed accordingly;

"person" includes a natural person and a body corporate or unincorporated;

"Stage I" means the regulatory requirements with which an owner or an operator of a storage tank at a petrol or a gasoline dispensing facility and an owner or an operator of a cargo tank are required to comply, and includes the installation of vapor recovery equipment on a cargo tank;

"Stage I system" means the petrol or gasoline vapor recovery system used during the transfer of petrol or gasoline between a storage tank and a cargo tank, and includes a "coaxial system" and a "dual-point

system"; and

"tanker" means a motor vehicle which is designed to carry liquefied loads, dry bulk cargo or gases on roads.

(2) Unless the general context otherwise requires, the words and expressions used in these Regulations shall have the same meanings as in the Act.

(3) A word or phrase not specifically defined in these Regulations but defined in the Act shall have the meaning assigned to it in the Act.

3. Application

These Regulations shall not apply to –

(a) the Armed and Security Forces,

(b) petroleum contained in a tanker for use by that tanker; or

(c) petroleum transported in containers whose combined volume does not exceed one thousand litres.

PART II – CONDITIONS RELATING TO THE USE OF TANKERS

4. Documentation

(1) A person shall not use a tanker to transport petroleum products unless it is registered with the Authority and any other regulatory body.

(2) A person in charge of a tanker shall at all times keep on board a registered tanker –

(a) its registration document;

(b) its certificate of insurance;

(c) a certificate from its manufacturer, showing that the tanker was constructed and is certified for the purpose of transport of petroleum;

(d) an inventory of its cargo;

(e) a material safety data sheet;

(f) the destination of its cargo; and

(g) a clear indication of the route, and any alternative route, to be followed by it.

5. Chassis

(1) A person shall not modify the original design of the chassis of the tanker and the relationship of the chassis with other parts of the tanker.

(2) The chassis of a tanker shall be adequately designed to support the tanker and to protect its load bearing parts from corrosion, deformation, damage and the effects of excessive stress.

6. Breaking

A person in charge of a tanker shall ensure that it is fitted with an efficient and durable system to enable it to stop during motion and to prevent any accidental motion after it stops.

7. Fifth wheel assembly

A person shall only use a tanker fitted with a fifth wheel mechanism, where the mechanism satisfies the minimum requirements of the Authority and any other regulatory body and is lockable using a 'King Pin' device.

8. Cargo tanks

(1) A cargo tank shall be designed in accordance with acceptable standards and with adequate and sufficient structural elements to prevent resulting stress in excess of those permitted by design.

(2) A person in charge of a tanker shall at all times maintain and protect the structural integrity of a cargo tank against –

(a) dynamic loading under product load configuration;

(b) internal pressure;

(c) superimposed loads; and

(d) reaction of supporting lugs and saddles or other supports.

(3) A person shall not modify the original design of a cargo tank without the approval in writing of the Authority and any other regulatory body.

(4) Materials used in the construction of a cargo tank shall conform to international best standards or such standards as may be approved by the Authority.

(5) All joints shall conform to international best standards or such standards as may be approved by the competent authority.

(6) The maximum calculated stress value of a cargo tank shall not be less than the acceptable minimum international standard.

(7) A cargo tank which is not a component part of the frame of a tanker shall be securely attached to the tanker.

(8) For the avoidance of doubt, if a cargo tank is not a component part of the frame of a tanker, the cargo tank shall be so securely attached on a surface of sufficient bearing capacity as to avoid the risk of the cargo tank moving or falling.

9. Accident damage protection

(1) A tanker shall be designed in such a way as to provide it with adequate and sufficient protection and in particular –

(a) outlets, valves, closures, piping and other devices in contact with lading shall have accident damage protection;

(b) piping which extends past the accident damage protection shall have a stop-valve and a sacrificial device located outboard of the stop-valve and within the accident damage protection; and

(c) lading discharge openings equipped with internal self-closing stop-valves shall either have a sacrificial device located outboard of the valve or bottom damage protection.

(2) An appurtenance –

(a) shall not project external to a tanker;

(b) shall be situated in protective relation to the tanker's frame, chassis, overturn protection or other external fixture;

(c) shall not be welded directly onto the tanker's shell unless an approved method such as use of a mounting pad is employed;

(d) which is a metal fitting, such as a conduit clip or a brake line

chip –

(i) shall be constructed of material of not more than seventy two percent of the thickness of the tank shell or tank head, and

(ii) may be secured directly to the tank if there is no risk of corrosion arising from its attachment to the tank structure.

(3) A tanker shall have sufficient clearance between it and a structure beneath it, such as the road and a structure above it, such as a bridge, a tunnel or a flyover.

(4) A tanker shall have rear-end protection, such as a bumper, which shall –

(a) be located at least fifteen centimetres (six inches) to the rear of any tanker component or tank fitting, etcetera;

(b) protect the tank and the piping in the event of a rear-end collision; and

(c) minimise the possibility of any part of a colliding tanker striking the tank.

(5) The bottom surface of a rear-end protection device shall be –

(a) at least ten centimetres (four inches) below the lowest component containing lading whilst in transit; and

(b) at most, one hundred and fifty centimetres (sixty inches) from the ground when the tank is empty.

(6) For rear-end protection consisting of separate sections –

(a) any piping located at the rear of the tanker shall be equipped with a sacrificial device outboard of a shut-off valve; and

(b) the separation between sections shall be limited to sixty centimetres (twenty four inches) at most.

(7) All closures for fittings, manholes, or inspection openings shall be protected from damage that may arise from accidents.

10. Piping

(1) A pipe used for loading, unloading or supplying of a tanker shall be –

(a) designed for the petroleum product type;

(b) protected from damage;

(c) colour coded where applicable;

(d) fitted with adequate valves, plugs and bungs; and

(e) provided with seals and safety type fittings such as shear and couplings or sections.

(2) A tanker's piping, fittings, hose and coupling shall –

(a) be of a type approved by the Authority;

(b) safely contain the cargo that is being transported;

(c) not adversely be affected by the cargo's temperature or any other factor that may compromise the safe handling of the cargo; and

(d) where necessary, be subject to certification through retesting to ensure compliance.

(3) Piping shall be durable enough to prevent damage due to expansion, jarring and vibration.

(4) A heater coil, when installed on a tanker, shall be durable enough to prevent leakage of its cargo due to the breaking-off of its external connections.

11. Hoses and couplings

A hose or a coupling shall –

(a) be of a type approved by the Authority;

(b) be maintained in good condition and leak free;

(c) only be used for the purpose for which it was designed; and

(d) be inspected from time to time.

12. Tank outlets and openings

(1) A tank opening or an outlet shall be fitted with a plug, a cap, a bolted flange, a stop-valve or other leak-proof closure.

(2) A loading outlet or an unloading outlet shall be fitted with at least one stop-valve and a self-closing system capable of –

(a) remote activation; and

(b) thermal activation at not more than one hundred and twenty one degrees centigrade, if the cargo is of a flammable nature or a combustible nature.

(3) A tanker in low-pressure service shall be fitted with an internal self-closing stop-valve or a remotely operated external stop valve close to the tank wall.

(4) A tanker in high-pressure service shall be fitted with a manual stop valve on the hose connection in addition to an internal self-closing stop-valve on the discharge lines.

(5) Notwithstanding sub-regulation (4), the Authority may permit an older tank in high pressure service to be fitted with excess flow valves on the discharge lines.

13. Valves

(1) A valve used on a tanker shall be of a standard approved by the Authority.

(2) Each valve performing a different function shall be tagged or colour-coded to differentiate it from other valves.

14. Gauging

(1) A cargo tank shall be fitted with –

(a) a gauging device that indicates the maximum permitted liquid level, unless it is to be filled by weight; and

(b) a measurement tool for determining the size of the cargo.

(2) A cargo tank shall not be fitted with a gauge glass.

(3) The gauging device and the measurement tool shall be

maintained in good condition, stored, and protected from damage.

(4) A cargo tank which is used to transport liquefied petroleum gas shall be fitted with –

(a) a rotary tube;

(b) an adjustable slip tube;

(c) a fixed length dip tube; or

(d) such other device as may approved by the Authority.

15. Calibration

(1) A tanker shall be calibrated by its manufacturer or an approved authority to determine its minimum cargo volume and its maximum cargo volume.

(2) Where required, a tanker shall be fitted with a calibrated measurement tool and a documented tank table, which shall be maintained in good condition.

(3) Where invasive means of gauging or measurement are used, ports and openings shall be provided with means of isolation.

16. Pressure relief

(1) A person who is in charge of a tanker shall fit it with a valve or a vent to relieve pressure or vacuum conditions (for non-vacuum loaded tanks).

(2) A valve or a vent shall –

(a) be designed to fit the tanker's vapour space or gas space;

(a) be protected from impact and damage from exposure to the environment or the cargo; and

(b) offer sufficient capacity to relieve pressure and protect the tanker and its contents.

(3) Where a vent is for a pressured vessel, venting shall be through the use of relief valves.

(4) Where venting through the use of a relief valve is required –

(a) there shall be a primary relief system with at least one reclosing pressure relief valve;

(b) a tanker transporting liquefied petroleum gas shall be fitted with spring loaded safety relief valves;

(c) gravity actuated reclosing valves shall not be used;

(d) the set pressure of the relief system shall –

(i) be between one hundred and twenty percent and one hundred and thirty two percent of the maximum allowable working pressure, and

(ii) reclose before one hundred and eight percent;

(e) each pressure relief device shall be permanently marked with the following –

(i) the manufacturer's name,

(ii) the model number,

(iii) the set pressure, which shall be relative to atmospheric pressure and expressed in pounds per square inch gauge, and

(iv) the rated flow capacity, which shall be relative to atmospheric pressure and expressed in standard cubic foot per hour.

(5) A person who is in charge of a tanker operating above atmospheric pressure shall, where normal venting is required, fit the tanker with adequate vents and the prescribed relief valves to prevent cargo spillage in case of overturn.

(6) A person shall maintain all vents in satisfactory operable condition.

(7) Testing, labeling and certification of vents shall be done in accordance with approved practices, standards and legislation.

17. Vapour recovery

(1) A person who is in charge of a tanker which is used to transport and dispense gasoline shall equip it with a certified Stage I vapour recovery system.

(2) A Stage I system shall be able to recover at least ninety-five percent of all gasoline vapour at the facility or be at least as efficient as the manufacturer's design efficiency, whichever is higher.

(3) All hoses and equipment on a tanker shall be compatible with and properly connected to the equipment on the storage tank at the dispensing facility.

(4) A Stage II manifold at a gasoline dispensing facility shall not be utilised for the purpose of Stage I vapour recovery unless the manifold is able to recover at least ninety-five percent of all gasoline vapours at the facility or be at least as efficient as the manufacturer's design efficiency, whichever is higher.

(5) A coaxial system shall use a separate coaxial coupling with a Stage I vapour recovery hose for each tank.

(6) A dual-point system shall use a separate Stage I vapour recovery connection at each tank.

(7) When a dual-point connection is available on a Stage I manifold, the same vapour recovery connection may be used to service all tanks on the manifold, provided there is a least one vapour recovery hose for each product hose.

(8) A Stage I adapter or a Stage I coupler that attaches to a storage tank shall be equipped with a closure that seals upon disconnect.

(9) During loading and unloading, a cargo tank shall have a back pressure that does not exceed 4.48 kPa (10.4 oz/in^2) or 18 inches water column pressure or 1.47 kPa (3.4 oz/in^2) or 5.9 inches water column vacuum.

(10) A person whose tanker does not fulfil the requirements under sub-regulation (9) shall lay it up for repairs and retesting within fifteen days.

(11) The standards applicable to a tanker shall be consistent with depot requirements.

18. Maintenance

(1) A person in charge of a tanker shall –

(a) periodically inspect and maintain in good condition the tanker, its cargo tank appurtenances, its associated piping, its hoses

and its ancillaries, while in service;

(b) keep accurate records on its commissioning and on subsequent periodic inspections of it;

(c) store it in a well-ventilated garage;

(d) ensure that its maintenance and repair is carried out in a spacious workshop area;

(e) ensure that the workshop and all fixtures contained in it are fit for the purpose of maintenance or repair of a tanker which is used to transport petroleum; and

(f) ensure that great care is taken to prevent any fire hazard arising while maintenance work or repair work is being carried out on a tank that may contain petroleum or its vapours.

(2) A person in charge of a tanker which is used to transport liquid or gaseous petroleum in bulk shall ensure that before the tanker is brought into a workshop for service or repair work on its cabin, chassis or engine –

(a) the cargo tank and all piping and hoses on the tanker are emptied of liquid contents;

(b) all primary shut-off valves are closed;

(c) all outlet or inlet connections are capped;

(d) the person in charge of the workshop is –

(i) informed of the nature of any residue in the transport tanks and bulk containers, and

(ii) advised not to tamper with valves and fittings;

(e) repair work is not performed on a cargo tank or on any primary tank shut-off valve unless the tank and every compartment of it has been –

(i) purged free of dangerous goods, and

(ii) inspected and tested in a manner sufficient to ensure that the tank is free of dangerous goods.

(3) The Authority shall raise the awareness of the procedures specified in sub-regulations (1) and (2) on the part of persons who carry out maintenance and repair work on tankers.

19. Inspection and testing

(1) A cargo tank in operation shall be periodically inspected and tested according to the manufacturer's specification, the Petroleum Products (Health, Safety and Environment) Regulations or other regulations approved by the Authority.

(2) The inspection and testing shall be done by an independent agency recognised or approved by the Authority.

(3) A cargo tank shall be inspected and tested (including pressure testing) before its commissioning or further use if –

(a) it shows evidence of bad dents, corroded or abraded areas, leakage, or any other condition that might render it unsafe for transporting petroleum products;

(b) it has been involved in an accident and has been damaged to an extent that may adversely affect its lading retention capability;

(c) it has been not been used to transport hazardous materials for at least one year;

(d) it has been modified from its original design specification;

(e) the Authority is not satisfied with the degree of safety displayed in its use; and

(f) it is a used cargo tank imported into The Gambia without proper documentation and the Authority deems that it does not satisfy the regulatory safety requirements.

20. Periodic testing

(1) A person in charge of a tanker shall ensure that it is inspected and tested with the frequency specified in the following table –

Test or inspection	Cargo tank specification/ configuration	Interval period after first test
External visual inspection	All cargo tanks designed to be loaded by vacuum with full opening rear heads	six months
	All other cargo tanks	one year
Internal visual inspection	All insulated cargo tanks except those in high pressure or cryogenic temperature service	one year
	All other cargo tanks	five years
Leakage test	All cargo tanks	five years
Pressure test (Hydrostatic or pneumatic) (See sub-regulation (2))	All cargo tanks which are insulated with no manhole or insulated and lined	one year
	All cargo tanks designed to be loaded by vacuum with full opening rear heads	two years
	All other cargo tanks	five years

(2) An uninsulated lined cargo tank with a maximum allowable working pressure of fifteen pounds per square inch gauge or less; which receives an external visual inspection and lining inspection at least once each year, shall not require testing.

(3) Where insulation precludes external visual inspection, a cargo tank, other than a tank in high-pressure service, shall be given a visual internal inspection.

(4) A cargo tank shall be hydrostatically or pneumatically tested where visual inspection is precluded by internal lining or coating or the cargo tank is not e quipped with a manhole or inspection opening.

(5) External visual inspection and testing shall include at the minimum the following –

(a) the tank shell and tank heads shall be inspected for corroded

or abraded areas, dents, distortions, defects in welds and any other conditions, including leakage that might render the tank unsafe for transporting petroleum products;

(b) corroded or abraded areas of the cargo tank wall shall be tested for its thickness;

(c) the piping, valves, and gaskets shall be carefully inspected for corroded areas, defects in welds, and other conditions, including leakage, that might render the tank unsafe for transporting petroleum products;

(d) all devices for fastening manhole covers shall be operative and there should be no evidence of leakage at manhole covers or gaskets;

(e) all emergency devices and valves including self-closing stop valves, excess flow valves and remote closure devices shall be free from corrosion, distortion, erosion and any external damage that will prevent safe operation;

(f) remote closure devices and self-closing stop valves shall be functional;

(g) missing bolts, nuts and fusible links or elements shall be replaced, and loose bolts and nuts tightened;

(h) all markings on the cargo tank shall be legible;

(i) all major appurtenances and structural attachments on the cargo tank including, but not limited to, suspension system attachments, connecting structures, and those elements of the upper coupler (fifth wheel) assembly that can be inspected without dismantling the upper coupler (fifth wheel) assembly shall be inspected for any corrosion or damage which might prevent safe operation; and

(j) the gaskets on any full opening rear head shall be visually inspected for cracks or splits caused by weather or wear.

(6) The results of an external visual examination shall be recorded, and a written report of each inspection shall be retained in the files of the owner or operator until the next test or inspection of the same type is successfully completed.

(7) When a cargo tank is not equipped with a manhole or an inspection opening, or the cargo tank design precludes an internal

inspection, the tank shall be hydrostatically or pneumatically tested.

(8) Internal visual inspection shall include at the minimum the following –

(a) the tank shell and heads shall be inspected for corroded and abraded areas, dents, distortions, defects in welds, and any other condition that might render the tank unsafe for transporting petroleum products; and

(b) corroded or abraded areas of the cargo tank wall shall be thickness tested.

(9) The results of an internal visual inspection shall be recorded, and a written report of each inspection shall be retained in the files of the owner or operator until the next test or inspection of the same type is successfully completed.

(10) When lining is required, the integrity of the lining on a lined cargo tank shall be verified at least once each year.

(11) Lining Inspection shall be conducted in accordance with industry international best practice in the industry or as approved by the Authority.

(12) A cargo tank that is operating at three pounds per square inch gauge or less shall be tested at three pounds per square inch gauge (20.7kpa) or design pressure, whichever is greater.

(13) An uninsulated lined cargo tank with a maximum allowable working pressure of fifteen pounds per square inch gauge or less; which receives an external visual inspection and lining inspection at least once each year, shall not require testing.

(14) A cargo tank which operates at a high pressure and is used to transport liquefied petroleum gas shall be internally inspected by the wet fluorescent particle method immediately before and during the carrying out of the pressure test.

(15) A cargo tank shall be tested for leakage, which shall include product piping with all valves and accessories in place and operative.

(16) A venting device which is set to discharge at less than the leakage test pressure shall be removed or rendered inoperative during the test

(17) A cargo tank shall be tested for the thickness of its tank wall, at

the minimum –

(a) areas of the tank shell and heads and shell and head area around any piping that retains lading;

(b) areas of high shell stress such as the bottom centre of the tank;

(c) areas near openings;

(d) areas around weld joints;

(e) areas around shell reinforcements;

(f) areas around appurtenance attachments;

(g) areas near upper coupler (fifth wheel) assembly attachments;

(h) known thin areas in the tank shell and nominal liquid level lines;

(i) areas near suspension system attachments and connecting structures; and

(j) connecting structures joining multiple cargo tanks of carbon steel in a self-supporting cargo tank motor tanker.

(18) The in-service minimum thickness of any area shall be no less than ninety percent of the specified manufactured thickness.

(19) A person in charge of a cargo tank which has been inspected or retested in accordance with this regulation shall prepare a written report, in English, which shall include –

(a) the type of test or inspection performed;

(b) a listing, such as a checklist, of all items either tested or inspected;

(c) the owner's serial number and the manufacturer's serial number;

(d) the month and year of the test;

(e) the location of defects found;

(f) the method used to repair each defect;

(g) the name and address of the person performing the test;

(h) a disposition statement, such as "Cargo tank returned to service" or "Cargo tank withdrawn from service"; and

(i) the signatures of the inspector and the owner or operator of the tanker and the date on which each of them signed the report.

(20) A person in charge of a tanker shall retain a copy of an inspection or a retesting report until the next inspection or retesting of the same type is successfully completed.

(21) A person in charge of a cargo tank which transports liquefied petroleum gas in particular and has been inspected or retested in accordance with this regulation shall prepare a written report, in English.

(22) The report shall include a statement indicating –

(a) the methods employed to make repairs;

(b) the agent making the repairs;

(c) the date the repairs were completed;

(d) whether or not the tank was stress relieved after repairs and, if so, whether full or local stress relieving was performed;

(e) the nature and severity of any defects found. In particular, the location of the defects, such as in weld, heat-affected zone, the liquid phase, the vapour phase, or the head-to-shell seam.

(f) the fact that no defect or damage was found, if no defect or damage was found.

(23) A person in charge of a tanker shall retain a copy of the report at his or her principal place of business during the period the cargo tank is in service and for one year afterwards.

21. Markings

(1) A person in charge of a tanker which is used to transport any flammable or combustible liquid shall conspicuously and legibly mark it, regardless of the quantity of the liquid, or whether the tanker is loaded or is empty.

(2) A cargo tank shall carry markings, which shall display details of –

(a) the tanker manufacturer;

(b) the manufacturer's serial number;

(c) the date of manufacture;

(d) the original test date;

(e) the certificate date;

(f) the design pressure;

(g) the test pressure;

(h) the head material;

(i) the shell material;

(j) the weld material;

(k) the lining material;

(l) the nominal tank capacity;

(m)the maximum product load;

(n) the loading limits; and

(o) the unloading limits.

(3) A person shall not modify, obstruct, make inaccessible or unreadable by paints or any fixtures, a marking on a tanker.

(4) A person shall not install a plate with a marking, on a tank body, by means which compromise the safety or the integrity of the tank.

22. Placards

(1) A placard, a warning sign or an internationally accepted signage shall –

(a) measure at least 273mm (10.8 inches) on both sides;

(b) have a 12.7mm (0.5 inches) solid line inner border; and

(c) be conspicuously sited.

(2) The text indicating the hazard and the hazard class shall be at least 41mm (1.6 inches) in height for both.

(3) Descriptions of the appropriate placards shall be as prescribed by the relevant regulations, international best practice in the industry or as approved by the Authority.

(4) The placards for flammable gas and flammable liquid shall be in the form prescribed in the Annex to these Regulations.

23. Engines, pumps and compressors

(1) A person who is in charge of a tanker which is used to transport Class I liquids to provide power for the operation of a pump or another device shall ensure that the internal combustion engine of the tanker is safe.

(2) A person shall not use a spark ignition engine to provide power for a pump for flammable products and combustible products.

(3) An engine air intake shall be equipped with an effective flame arrester or an air cleaner that has effective flame arrester characteristics, to contain any backfire.

(4) The exhaust system of an internal combustion engine shall be fitted with means of suppressing sparks.

(5) The routing of the exhaust shall not compromise the safety of the cargo or of persons.

(6) A person shall not impede cargo operations or cargo safety, or create a fire hazard, when supplying fuel for auxiliary equipment of a tanker.

(7) A tanker engine shall be provided with suitable protection against physical impact or heat.

(8) A positive displacement pump or compressor shall be provided with a pressure relief system capable of preventing over-pressuring of the system.

(9) All rotating and reciprocating parts of pumps and other appurtenances shall be adequately guarded.

(10) When a pump is used to deliver products, automatic means shall be provided to prevent pressure in excess of the design working pressures of the accessories, piping and hose.

(11) An electric motor shall not be used to power a pump unless the motor and all electrical fittings and equipment are suitable for that use.

24. Tanker drivers

(1) A person who is employed as a tanker driver shall –

(a) possess –

(i) a valid driving licence in a relevant classification issued by the Gambia Police Force licensing department;

(ii) a certificate of health from a recognised physician or a general hospital, which shall include the results of a drug test;

(iii) experience in driving the relevant class of tanker; and

(iv) a certificate in defensive driving; and

(b) provide evidence of completion of theoretical and practical training relevant to –

(i) the type of tanker concerned;

(ii) the class of hazardous petroleum product to be assigned to the driver concerned;

(iii) the emergency response action to be taken in the event of an incident;

(iv) the procedure to be followed by the driver on reaching his or her destination;

(v) the proper method of operating a tanker;

(vi) the procedures for loading a tanker; and

(vii) the procedures for unloading a tanker.

25. General obligations of tanker drivers

A tanker driver shall –

(a) not drive or allow another person to drive a tanker in his or her custody unless that other person has a valid license;

(b) not tamper with the petroleum product in his or her custody;

(c) not divert a petroleum product destined for export into the local market;

(d) operate the tanker in accordance with the requirements of the Act, and other applicable laws;

(e) transport petroleum products only for petroleum business licensees in possession of valid licenses;

(f) transport petroleum products imported through a designated or a prescribed import route;

(g) load petroleum only from petroleum storage facilities in possession of a valid license;

(h) unload petroleum only to a facility that has a valid license, to an end user for own consumption or, in the case of petroleum intended for export, at a destination outside The Gambia;

(i) comply with –

(i) the safety and contingency plan that has been put in place by the petroleum products road transport business licensee, and

(ii) the arrangements for the safe parking of the petroleum tanker in accordance with the safety and contingency plan;

(j) implement regular pre-loading tanker inspection in accordance with a checklist approved by the Authority or its agents;

(k) park the tanker –

(i) in a designated parking area, where it exists,

(ii) one hundred meters from any building, where a designated parking area does not exist, and

(iii) one hundred metres from any building when the tanker is loaded or empty; and

(l) always adhere to the lawful instructions in writing of the Authority.

26. Safety and contingency planning

(1) A person who is in charge of a tanker shall implement a safety and contingency plan, which shall include the following –

(a) an emergency response plan;

(b) a systematic response plan in the event of a spillage or an accidental damage to the tanker;

(c) driver and tanker attendant training in emergency operating response procedures;

(d) functional communication devices, such as a radio or a cell phone on board the tanker;

(e) the designation and mobile number of an Emergency Control Coordinator and his or her deputy; and

(f) the number of the owner of the tanker,

to manage any accidents that may occur during operation of the tanker.

(2) A tanker at a petroleum product facility shall adhere to the safety and contingency measures of that facility.

27. Operation of a tanker

(1) A person shall not operate a tanker unless it is in an acceptable state of repair.

(2) All covers of a tanker, except a cover that is being used for pressure control shall be kept closed in transit.

(3) Cargo tanks, lines and hoses shall be compatible with the intended cargo.

(4) Unless they are separated by double bulkheads –

(a) a Class II or a Class III liquid shall not be loaded into a compartment adjacent to a Class I liquid; and

(b) chemically non-compatible chemicals shall not be loaded into adjacent compartments.

(5) A tanker shall be –

(a) operated with cargo at a temperature in excess of the maximum allowable cargo temperature specified on the warning sign required; and

(b) loaded or transported at a temperature above its ignition temperature.

(6) A petroleum product service provider shall load and unload a tanker –

(a) in strict compliance with these Regulations and any other standards prescribed by the Authority or The Gambia Standards Bureau; and

(b) only at the approved locations.

(7) The Authority shall prescribe procedures for a petroleum products service provider to –

(a) understand the layout of an unloading site;

(b) know the protocol for entering the site;

(c) know the protocol for unloading a tanker's cargo; and

(d) use the necessary equipment to respond to a discharge from the tanker or fuel delivery hose.

(8) The manager of an unloading site or his or her duly authorised representative shall –

(a) supervise oil deliveries made by all new suppliers;

(b) periodically observe deliveries made by existing, approved suppliers; and

(c) monitor the unloading of a petroleum product closely, particularly if there is no automatic cut-off in the unloading line.

(9) A petroleum product service provider shall ensure that gas flow into a cargo tank is discontinued after unloading, to prevent a rapid increase in internal pressure and structural damage to the cargo tank.

(10) A person who is not trained in proper discharge prevention procedures shall not perform loading of a tanker.

(11) The driver of a tanker shall –

(a) use a parking brake, an emergency brake or a service brake to ensure that the truck does not move during the unloading of liquefied petroleum gas;

(b) set at least two chock blocks when unloading a tanker parked on a slope;

(c) be in possession of the appropriate class of fire extinguisher on board the tanker; and

(d) remain with the tanker at all times while fuel is being loaded.

28. Precaution against ignition by static charges

Except when –

(a) filling an underground tank;

(b) loading and unloading through a tight connection; and

(c) loading or unloading asphalt, crude oil, or a product containing substantial proportions of crude residuum or other liquids with low resistivity,

a person who is handling inflammable petroleum products shall ensure that electric bonding of those products take place.

29. Extinguishers

(1) The owner of a tanker shall provide it with at least one fire extinguisher having a rating of at least 20-BC.

(2) When a tanker is provide with more than one fire extinguisher, each extinguisher shall have at least 10-B rating.

(3) A fire extinguisher shall be –

(a) kept in a good operating condition;

(b) accessible;

(c) protected from the environment; and

(d) protected from impact

PART III – PETROLEUM PRODUCTS ROAD TRANSPORT BUSINESS LICENSING AND ANCILARY MATTERS

30. Prohibition against operating a road transport business without a license

(1) A person shall not operate a petroleum products road transport business unless he or she is licensed in accordance with these Regulations.

(2) The Authority or its agents shall direct a person who operates a petroleum products road transport business without a license to cease operating it until he or she obtains the required license.

31. Application for a license

(1) A person who intends to operate a petroleum products road transport business shall apply for a license.

(2) The applicant shall complete the relevant form issued by the Authority, and shall –

(a) in the case of a body corporate or unincorporated, submit the form to the Authority, together with the following documents –

(i) proof of payment of the relevant license fees,

(ii) a certified copy of its registration certificate, certificate of incorporation, memorandum and articles of association, deed or such other documents that provide evidence of its legal status,

(iii) a copy of its Tax Identification Number (TIN) certificate; or

(b) in the case of a natural person, submit the form to the Authority, together with the following documents –

(i) proof of payment of the relevant license fee,

(ii) a certified copy of the person's national identity card or passport,

(iii) a copy of his or her Tax Identification Number (TIN) certificate.

(3) The applicant shall in addition submit to the Authority –

(a) the tanker's certificate of insurance;

(b) a certificate from the manufacturer of the tanker, showing that the tanker was constructed and is certified for the purpose of transporting petroleum products;

(c) an inventory of the intended cargo of the tanker;

(d) a material safety data sheet pertaining to the tanker;

(e) the destination of the intended cargo; and

(f) a clear indication of the route, and any alternative route, to be followed by the tanker.

32. Evaluation of application dossier

The Authority shall verify the accuracy of the information provided by an applicant and may request for such additional information from a person as may be necessary to enable the Minister to make a decision regarding the issuing of a license.

33. Issuing of license

(1) The Minister shall issue a license to an applicant in the appropriate form issued by the Authority and shall state the conditions of the license.

(2) A license issued in terms of these Regulations –

(a) remains the property of the Authority;

(b) may be modified, suspended, revoked or amended at any time subject to compliance with the Act;

(c) may not be tampered with or defaced in any manner; and

(d) is not transferable without the consent in writing of the Authority.

34. General obligations of licensees

A licensee shall –

(a) transport only a petroleum product of a standard approved by the Authority;

(b) comply with the requirements of the Act, these Regulations and any the other applicable laws;

(c) transport a petroleum product only for a person who holds a valid license issued under the Act;

(d) use only a designated or prescribed transport route;

(e) load a petroleum product only from a petroleum storage facility that is licensed under the Act;

(f) unload a petroleum product only to a licensed facility, to an end user for own consumption or, in the case of a petroleum product intended for export, at the destination outside the Gambia;

(g) ensure that a tanker used in transporting petroleum products has a valid tanker license;

(h) ensure that a tanker used in transporting petroleum is driven only by a person in possession of a valid driving licence in a relevant classification issued by the Gambia Police Force licensing department;

(i) ensure that there is a safety and contingency plan in accordance with criteria set by the Authority;

(j) implement regular pre-loading tanker inspection in accordance with a checklist approved by the Authority;

(k) ensure that a tanker is driven only during the times authorised by law, where specified;

(l) ensure that a tanker is parked only in a designated parking area, where it exists, or at least one hundred meters from any building, where designated parking does not exist;

(m)ensure that the provisions of these Regulations and the conditions of the license and the tanker license is known to, and by all persons employed in or about the licensed premises or the tanker; and

(n) ensure that an unauthorised person does not have access to a tanker.

35. Specific obligations relating to liquefied petroleum gas

(1) A licensee shall –

(a) handle and transport liquefied petroleum gas in compliance with the standards established by The Gambia Standards Bureau; and

(b) install one, or two, dry chemical fire extinguishers with an effective total rating of at least 40 BC on board a tanker or near a cargo tank used to transport liquefied petroleum gas.

(2) A licensee shall not transport –

(a) a liquefied petroleum gas cylinder in a tanker unless the space intended to hold the cylinders is vented to the outside; and

(b) liquefied petroleum gas in a tanker unless the tanker has two wheel chocks on board.

(4) A tanker driver shall –

(a) use a parking brake, an emergency break or a service brake to ensure that a tanker does not move during the unloading of liquefied petroleum gas; and

(b) set at least two chock blocks when unloading a tanker parked on a slope.

36. Power of inspection

(1) The Authority may inspect a tanker, any premises, or a facility

reasonably suspected of being used for the business of transporting petroleum products to ascertain whether the provisions of the Act and these Regulations are being complied with.

(2) Where the Authority determines that a tanker, any premises or a facility does not meet the requirements of the Act or these Regulations, the Authority may issue, in writing, such directive as it considers appropriate to the owner, operator or driver of the tanker or the owner, occupier or person in charge of the premises or facility to ensure compliance.

(3) Where a directive requires a licensee to repair a tanker which, in the opinion of the Authority, may be necessary, the licensee shall execute the repairs within such period as may be specified by the directive.

37. Reporting of accidents or incidents

A licensee shall send –

(a) an initial report in writing to the Authority within twenty-four hours; and

(b) a detailed report within fourteen days,

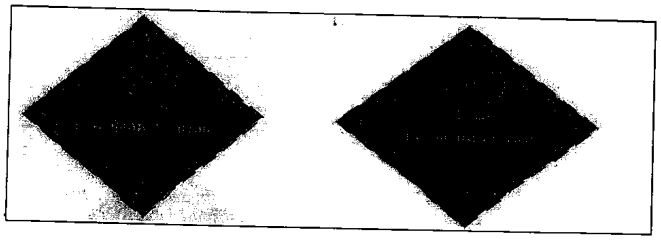
of any accident involving the transportation of petroleum which causes loss of life, personal injury, explosion, oil spill, fire or any other incident or accident causing significant harm or damage to the environment or to property.

38. Sanctions for contravention of the Regulations

The Authority may, notwithstanding any other penalties that may be imposed under the Act, recommend to the Minister to suspend or revoke the petroleum products road transport business license of a person who contravenes any provision of these Regulations.

ANNEX: Placards for flammable gas and flammable liquid

(Regulation 22 (4))



MADE THIS 2ND **DAY OF** AUGUST **2018.**

.....

HON. FAFA SANYANG
MINISTER OF PETROLEUM AND ENERGY