

PETROLEUM PRODUCTS (SERVICE STATION)

REGULATIONS, 2018

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REPUBLIC OF THE GAMBIA

PETROLEUM PRODUCTS ACT, 2016

Act No.12 of 2016

PETROLEUM PRODUCTS (SERVICE STATION) 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 (Service Station) Regulations, 2018.

2. Interpretation

(1) In these Regulations, unless the context otherwise requires - "Act" means Petroleum Products Act 2016;

"Authority" means The Gambia Public Utilities Regulatory Authority;

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

"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

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

"Commissioner" means the Commissioner of Petroleum;

"contact details" includes, business or residential address, postal address, telephone number or cell phone number, fax number, and e-mail address;

"declaration" means an affidavit, affirmation or solemn or attested declaration made before a Commissioner of Oaths or Justice of the Peace;

"distributor means a person who supplies petroleum products between any two of the following –

- (a) an import terminal,
- (b) a refinery,
- (c) a blending facility, or
- (d) a retail outlet for petroleum products;

"licensee" means the holder of a petroleum service station license;

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

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

"petroleum additive" means a substance that is generally sold or represented as suitable for adding to petroleum to improve either the performance or the storage stability or both, including the effect of the additive on engine performance, engine emissions or fuel economy;

"service station" or "petroleum products service station" means an establishment that supplies or sells fuel, oil for motor vehicles, and liquefied petroleum gas;

"vehicle" includes a trailer, a vessel and a thing, other than a pipeline, which is used to transport petroleum products for supply.

(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

(1) These Regulations shall apply to all civilian installations.

(2) These Regulations shall not apply to a department of the Government, the Armed and Security Forces or such other entity as the Authority may determine, for the transport or storage of petroleum products.

(3) Notwithstanding sub-regulation (2), Government departments and the Armed and Security Forces shall comply with the necessary provisions of this Act, in respect of health, safety, environment and security, as well as product quality.

PART II - SERVICE STATION LICENCE

4. Application for a license

A person who intends to operate a petroleum products service station 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, and
 - (iv) a favourable bank reference supplied by its bank; 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) an import plan of at least twelve months, and
 - (iii) a certified copy of the person's national identity card or passport.

5. Publication of notice of application

- (1) The Authority shall issue an official receipt to an applicant for a license indicating the date on, and time at, which the Authority received the application.
- (2) The Authority shall publish a notice of every application in at least two newspapers of nationwide circulation.
- (3) The publication of the application shall state -
- (a) the name of the applicant;
 - (b) the serial application number issued by the Authority upon receipt of the application;
 - (c) the purpose of the application;
 - (d) where the application will be available for inspection by any member of the general public;
 - (e) the period within which an objection to the issuing of the license may be submitted to the Authority; and
 - (f) the address of the Authority where objections may be submitted.
- (4) An application shall be available for inspection at the Authority's office.
- (5) A person who objects to the issuing of a license shall submit a written objection at least twenty working days from the date of publication of the notice of application.

6. List of storage and distribution facilities

A person who intends to operate a petroleum products service station shall provide the Authority with a list of all storage and distribution facilities intended to be used in respect of the petroleum product, including shared storage and distribution facilities, with details of -

- (a) their location;
- (b) their capacity;
- (c) their ownership, including the ownership of the land on which the storage facilities are situated, and, in the case of shared ownership, the basis of sharing; and
- (d) the names of any other persons sharing the same facilities.

7. Environmental and sustainable management plan

- (1) A person who intends to operate a petroleum products service station shall prepare an environmental and sustainable management plan and submit the plan to the competent authority for approval.
- (2) The plan shall include -
- (a) details and expertise of the author of the plan;
 - (b) a description of the environment likely to-be affected by the proposed service station activities;
 - (c) an assessment of the potential impact of the proposed service station activities on the environment, socio-economic conditions and cultural heritage;
 - (d) a summary of the environmental impact assessment, the significance of the potential impact and the proposed measures for mitigating, managing or minimising adverse impacts;
 - (e) the mechanism for monitoring and assessing the performance of the plan;

(f) an undertaking by the applicant to implement the plan; and

(g) a financial plan, which shall include the method of providing security for mitigating, managing or minimising adverse environmental impacts and the total cost of mitigating, managing or minimising such impacts.

(3) The intending operator shall provide security to cover the total cost of mitigating, managing or minimising adverse environmental impacts by one or more of the following methods —

(a) an approved contribution to a trust fund which shall be in the format approved by the Authority from time to time;

(b) a financial guarantee from a Gambian registered bank or any other bank or financial institution approved by the Commissioner guaranteeing the financial provision relating to the environmental and sustainable management plan in the format approved by the Commissioner from time to time; and

(c) an insurance cover against oil spillage and environmental damage.

(4) The total cost of mitigating, managing or minimising adverse environmental impacts shall be determined in consultation with the competent authority and shall include detailed provision for costs that could be incurred in the event of -

(a) rehabilitating the land;

(b) preventing and managing pollution of the atmosphere;

(c) preventing and managing pollution of water and the soil; and

(d) preventing spillage and leakage, into the ground, of chemical substances associated with service station activities.

(5) The intending operator shall submit to the Authority -

(a) proof of contribution to a trust fund;

(b) a financial guarantee from a bank or financial institution; or

(c) payment of the required insurance cover,

prior to the approval of the environmental and sustainable management plan.

8. Evaluation of application dossier

(1) In evaluating an application for a service station license, the Authority shall verify that the applicant -

(a) is the owner of the business;

(b) has completed the application form in full;

(c) has submitted the completed application form together with all the documents specified in regulations 4, 6 and 7; and

(d) has paid any fee, tax, charge, levy or duty payable by law.

(2) 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.

9. Persons disqualified from being issued with a license

The Minister shall not issue a license to -

- (a) a body corporate or unincorporated which -
 - (i) is in liquidation proceedings other than a liquidation which forms part of a scheme for the reconstruction or amalgamation of the holder,
 - (ii) is subject to an order made by a court of competent jurisdiction for its winding up or dissolution; or
 - (iii) has entered into a composition agreement with its creditors; end
- (b) a natural person who -
 - (i) is under the age of eighteen years,
 - (ii) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any written law,
 - (iii) has entered into a composition agreement with his or her creditors,
 - (iv) has taken advantage of any law for the benefit of his or her creditors, or
 - (v) is convicted of a tax offence.

10. Issuing of license

If the Minister is satisfied that an application for a service station license meets the requirements of the Act and these Regulations, the Minister shall -

- (a) cause the Authority to inform the applicant in writing that his or her application has been successful;
- (b) require the applicant to, within a reasonable period, pay the relevant license fee; and
- (c) on the advice of the Authority, issue the license upon proof of payment of the license fee.

11. Particulars to be included in license

A service station license shall include the –

- (a) name of the licensee;
- (b) unique serial number of the license;
- (c) identity number or company registration number of the licensee;
- (d) business address of the licensee;
- (e) types of petroleum product the licensee is licensed to import;
- (f) date of issue of the license;

(g) conditions of the license; and

(h) Minister's signature.

12. License term and conditions

(1) A service station license shall be valid for five years and shall -

(a) remain the property of the Ministry;

(b) not be tampered with, defaced or altered in any manner; and

(c) not be assigned or transferred to a third party except with the approval of the Minister following an application in writing by the licensee for such transfer.

(2) The Minister may impose additional or special conditions to the license.

(3) A license ceases to be valid if -

(a) he licensee voluntarily surrenders it to the Authority;

(b) the Minister suspends or revokes it;

(c) it expires by the effluxion of time;

(d) the licensee dies, unless his or her personal representative applies to the Authority in writing within thirty days for approval of the transfer of the license; or

(e) the service station is no longer a going concern.

(4) A licensee shall -

(a) prominently display the license, or a certified copy of it, at the place of business of the licensee;

(b) comply with the conditions attached to the license, these Regulations and other applicable laws of The Gambia;

(c) produce the license upon demand by an Inspector or other agent of the Authority;

(d) ensure that operations associated with the license comply with any guidelines issued from time to time by the Authority;

(e) undertake an environmental audit of the service station within a period of twelve months or as the need may arise after commencement of operations.

(f) comply with directions from the Authority in the form of letters intended to explain the conditions attached to the license or otherwise improve the general conduct of activities regulated by the license;

(g) at all times maintain a true record of financial accounts in accordance with these Regulations and any guidelines that may be issued from time to time by the Authority;

(h) review and update, in every year, the total cost of mitigating, managing or minimising adverse environmental impacts as required by the approved environmental and sustainable management plan or as requested by the Authority;

(i) cover shortfalls (if any), in every year, in the total cost of mitigating, managing or minimising adverse environmental impacts by amending the environmental and sustainable management plan or as determined by the Authority; and

(j) assist and cooperate with staff of the Authority, in the performance of their functions in relation to the license concerned

(5) If during the term of a license -

(a) a new Act relating to petroleum products has been enacted;

(b) new Regulations relating to petroleum products have been made;

(c) new technical standards or specifications have been issued; or

(d) new equipment of the supply chain or in the performance of petroleum supply operations are required by law or regulation to be introduced,

the licensee shall comply with that new law, regulation, or standard within a reasonable transition period prescribed under the law, regulation, or standard, after consultation with the Authority.

(6) The Authority may, at any time, amend, vary, add or remove the general conditions or any special conditions attached to a license.

13. Application for a duplicate license

(1) A person whose license is lost, damaged or destroyed Shall apply in writing to the Authority for a duplicate of the license.

(2) An application for a duplicate license shall be accompanied by -

(a) an affidavit stating the reason or reasons for the application;

(b) if the applicant is a body corporate or unincorporated, a certified copy of its business registration documents

(c) if the applicant is a natural person, a certified copy of his or her identity document;

(d) the unique serial number of the license that is lost, damaged or destroyed; and

(e) proof of payment of the fee for the duplicate license.

(3) The Authority shall determine the fee payable by an applicant for a duplicate license.

14. Application for the amendment of a license

(1) A person may apply in writing to the Authority for the amendment of a license by specifying the amendment sought and the reasons for seeking the amendment.

(2) The Authority may amend a license if -

(a) the amendment does not affect any rights, debts, liabilities or obligations of the licensee;

(b) the amendment does not render defective -

(i) any legal proceedings by or against the licensee; or

(ii) any legal proceedings that could have been continued or commenced by or against the licensee prior to the amendment; and

(c) upon proof of payment of the fee for the amended license.

(3) The Authority shall determine the fee payable by an applicant for the amendment of a license.

15. Application for the transfer or assignment of a license

(1) A person who intends to transfer or assign a license shall apply in writing to the Authority,

(2) The same procedure for the processing of the application for the original license shall apply to the processing of the application for a transfer or an assignment of the license.

(3) The approval of a transfer or an assignment of a license shall not change the remaining period of validity of the original license.

(4) The transferee or assignee of a license shall be liable for all pending obligations or liabilities of the transferor or assignor under the Act and these Regulations.

(5) Where a liability is discovered within three years after the effective date of a transfer or an assignment of a license, both the transferor or the assignor and the transferee or the assignee, as the case may be, shall be jointly and severally liable for that liability.

(6) The Authority shall not approve a transfer or an assignment of a license by a company to an affiliate of that company, where the obligations of the affiliate are guaranteed by the transferor or the assignor, as the case may be.

(7) A license shall not be transferred or assigned to a person disqualified from being issued with a license under these Regulations and the Act.

16. Application for the renewal of a license

(1) A person whose license has expired may apply in writing to the Authority for renewal of the license three months before the date of its expiry,

(2) The Minister may renew a license for a further period of five years.

17. Registration of applications in central petroleum register

The Commissioner shall record all applications in respect of service station licenses in the central petroleum register.

[section 17 (2) Act No. 12 of 2016]

18. Power of the Minister to suspend or revoke a license

(1) The Minister may suspend or revoke a license for -

(a) contravention of a provision of the Act or these Regulations;

(b) failure to comply with any condition of the license; or

(c) a false declaration, including any material non-disclosure which had influenced the Minister's decision to issue the license.

(2) The Minister may only suspend or revoke a license after -

- (a) notifying the licensee in writing of the intention to revoke or suspend the license;
- (b) setting out the particulars of the alleged contravention, failure or false declaration; and
- (c) requesting the licensee to make such representations to the Minister as may be necessary.

(3) The licensee may make representations to the Minister within thirty days of being notified in writing of the Minister's intention to suspend or revoke the license.

(4) The Minister may consider any steps taken by the licensee to remedy the contravention or failure, or prevent the contravention or failure from being repeated, and any other relevant matter submitted by the person by way of representations.

19. Surrender of a license by way of notice

A licensee may at any time, surrender a license to the Authority by way of notice in writing.

PART III - COMMITTEES

20. Establishment of committees and appointment of members

(1) The Minister may establish a petroleum consultative committee and other committees to perform specified functions on behalf of the Minister.

(section 4 (2) of Act No. 12 of 2016)

(2) A committee shall consist of a chairperson and such other members and shall perform such functions as the Minister shall determine.

(3) The Minister shall appoint the members of a committee for a term of three years and a member is eligible for reappointment for only one further term.

21. Disclosure of interest

(1) A member of a committee who has an interest, whether pecuniary or otherwise, direct or indirect, in any matter being considered or to be considered by his or her committee shall -

- (a) disclose to the committee the fact of such interest and the nature of it; and
- (b) not take part in any deliberation or decision of the committee relating to the matter.

(2) A disclosure of interest by a member shall be recorded in the minutes of the committee meeting.

(3) A member who contravenes the provisions of sub-regulation (1) may be removed from his or her committee.

22. Resignation

A member of a committee may resign from office by giving notice in writing to the Minister.

PART IV - ENFORCEMENT

22. Identity Cards for Inspectors

(1) The staff of the Authority carrying out inspections shall at all times wear identity cards.

(2) The identity card shall include -

- (a) the name and title of the person to whom it is issued;
- (b) the title of the Inspector under the Act;
- (c) the name, title and signature of the person who issued it;
- (d) a serial number;
- (e) the date when it was issued; and
- (f) its expiry date, being not later than three years after it was issued.

24. Procedure for dealing with petroleum products samples

(1) An inspector who takes a sample of petroleum, petroleum additive or evidential material shall -

- (a) take two or more samples that are as uniform as practicable;
- (b) put each sample into a separate container;
- (c) securely seal and label the containers;
- (d) send one or more of the containers to an accredited laboratory by means that will ensure the safe arrival of its contents; and
- (e) keep one or more of the containers for any further inspection, examination, measuring or testing

(2) The Inspector may -

- (a) ask the occupier of the premises where the samples are taken to inspect the containers to verify that they have been sealed and labelled properly; and
- (b) give to the occupier of the premises, one of the sealed containers, when the samples are of petroleum products that are in a liquid state at standard temperature and standard pressure,

(3) Where the occupier of the premises is not present at the time the Inspector is taking samples of petroleum products that are in a liquid state at standard temperature and standard pressure, the Inspector may -

- (a) keep one of the containers; and
- (b) give that container to the occupier of the premises within one week after taking the sample.

(4) For the purpose of this regulation -

"standard temperature" means a temperature of 0-25 degrees Celsius; and

"standard pressure" means a pressure of 100 kilopascals.

25. Identification of samples

An inspector who takes a sample shall -

- (a) record enough details of the sample to identify it;
- (b) record the address of the premises where he or she took the sample; and

(c) ask the occupier of the premises to sign the record as soon as possible after taking the sample.

26. Security of samples

- (1) An inspector who takes a sample shall mark the container of the sample in such a way that -
- (a) the sample is clearly identifiable, but in a way that prevents a person testing the sample from identifying the source of the sample;
 - (b) the container cannot be opened without breaking its seal; and
 - (c) the identification strip of the sample cannot be removed without breaking the container's seal.
- (2) An Inspector shall ensure that a sample is packed, stored and transported in such a way that -
- (a) the integrity of the sample is preserved; and
 - (b) testing of the sample produces the same results as would have been obtained if the sample had been tested immediately after it was taken.

27. Payment for samples taken

The Authority shall pay to the owner of a petroleum product from which an Inspector takes a sample, the market value of the sample, at the time it was taken.

28. Accredited laboratories

- (1) A petroleum product shall be tested by an accredited laboratory.
- (2) An accredited laboratory includes -
- (a) a laboratory located in The Gambia, which is accredited by The Gambia Standards Bureau; and
 - (b) a laboratory located in a foreign country, which is accredited by the national laboratory accreditation body operating in the country where the laboratory is located.
- (3) The Authority shall recognise the national laboratory accreditation body of a foreign country before it accepts test results from any laboratory operating in that country,
- (4) To be recognised by the Authority, a national accreditation body in a foreign country shall -
- (a) be a member of the International Laboratory Accreditation Corporation;
 - (b) accept the accreditation standards of that Corporation; and
 - (c) comply with ISO/IEC Guide 58: 1993 (Calibration and testing laboratory accreditation systems - general requirements for operation and recognition, first edition, published by the International Organization for Standardization, Geneva).

PART V - RECORD KEEPING AND REPORTING OBLIGATIONS

29. Maintenance of records by licensees

For the purpose of section 13 of the Act, a licensee shall -

- (a) maintain a record of all petroleum products supplied in The Gambia in each calendar year;
- (b) keep the record at the premises where the petroleum product is supplied; and
- (c) retain the record for at least two years from the date of supply.

30. Maintenance of records by producers and blenders

- (1) A person who produces or blends petroleum products for sale shall keep a record of -
 - (a) the kind and grade of petroleum product produced or blended, or its product code;
 - (b) the quantity of petroleum product produced or blended;
 - (c) any testing done on the petroleum product, including -
 - (i) the date of each test,
 - (ii) records by which the petroleum product tested can be traced to delivery docket numbers for the petroleum product,
 - (iii) the test methods used, and
 - (iv) the results of the tests.
- (2) A person who produces or blends petroleum products for sale shall in addition, record the following details for each supply of petroleum products -
 - (a) how the petroleum product was supplied;
 - (b) the quantity of the petroleum product;
 - (c) the kind and grade of petroleum product, or its product code;
 - (d) the person to whom the petroleum product was supplied; and
 - (e) the delivery docket numbers for the petroleum products.
- (3) A person who produces or blends petroleum products for sale shall at all times keep
 - (a) records by which each petroleum product supplied can be traced to the delivery docket number for the petroleum product;
 - (b) records by which each receipt of a petroleum product into the supplier's tanks can be traced to the petroleum product supplied from the tanks; and
 - (c) stock reconciliation records (except in relation to petroleum products for which it is not possible for the supplier to keep separate reconciliation records).

31. Maintenance of records by distributors

- A person who distributes petroleum products shall keep the following records -
- (a) copies of all documents required to be maintained under the Act or any regulations;
 - (b) stock reconciliation records, including all delivery records received; and
 - (c) details of any testing done on the petroleum products, including -

- (i) the date of each test,
- (ii) records by which the petroleum products tested can be traced to delivery docket numbers for the petroleum products,
- (iii) the test methods used, and
- (iv) the results of the tests.

32. Annual Statements

A licensee shall -

- (a) prepare a statement of account in respect of each financial year; and
- (b) submit the statement to the Authority within three months of the end of the immediately preceding financial year.

PART VI - CONSTRUCTION PERMIT AND OPERATION LICENCE FOR SERVICE STATIONS

33. Application for a construction permit

(1) A person who intends to construct a service station shall apply to the Authority for a construction permit and shall submit -

- (a) a letter of sponsorship from an existing oil marketing company, where the service station is being sponsored by an oil marketing company;
- (b) proof of title to the land identified for construction purposes;
- (c) a Fire Prevention Plan, approved in writing by the Chief Fire Officer, showing that arrangements proposed for the prevention and fighting of fire at the construction site are satisfactory;
- (d) the approval in writing of an environmental impact assessment approval in writing from the National Environmental Agency;
- (e) three copies of an approved plan for construction on the site, which shall be labelled "to be constructed" and shall show -
 - (i) the structures proposed to be built on the site,
 - (ii) the relation of the site to the road,
 - (iii) electrical transmission and power lines,
 - (iv) water bodies, and
 - (v) adjoining properties;
- (f) a no-objection letter from the National Water and Electricity Company;
- (g) a no-objection letter from the National Roads Authority; and
- (h) the approval in writing of the Alkalo or the Seyfo of the area where the construction site is situated.

34. Environmental impact assessment

(1) For the purpose of section 22 of the Act, a person who intends to construct a service station shall

-

(a) carry out an environmental impact assessment at every site where petroleum products shall be received, stored, dispensed or disposed of, or reused; and

(b) after completion of the environmental impact assessment, submit an environmental impact statement to the National Environmental Agency for its consideration and approval.

(2) The National Environmental Agency shall, in consultation with the Authority, approve an environmental impact statement that it deems acceptable.

35. Construction work and Inspections

(1) Construction work shall start within ninety days from the commencement date of the permit unless otherwise approved in writing by the Authority.

(2) The Authority shall -

(a) carry out inspections in order to verify compliance with the conditions of the permit during the execution of the work; and

(b) issue a certificate of completion after conducting final inspection of the work and being satisfied with it.

36. Construction specifications

(1) All buildings shall comply with such building regulations as may from time to time be issued by the Department of Physical Planning

(2) The Authority shall prescribe standards and specifications for all civil works, service bays, sashing bays, canopies, and all other works and equipment.

(3) All tanks, pipes, valves and pipe fittings shall be designed and built in accordance with the standards specified by the regulating authority and shall have a safety factor that is adequate for the conditions of service.

(4) All buried pipelines shall be pressure-tested every year throughout their service life.

37. Environmental audit for construction

(1) A construction permit holder Shall -

(a) engage a certified environment practitioner to carry out an environmental audit of the construction work within a period of twelve months after its completion; and

(b) after completion of the environmental audit submit to the Authority, a comprehensive environment audit report.

(2) The Authority may require a construction permit holder to conduct such additional audits as it may consider necessary.

PART VII - FIRE SAFETY REQUIREMENTS FOR SERVICE STATIONS

38. Site location

(1) A service station shall be located where it is readily accessible to vehicles.

(2) Two service stations on either side of a single carriageway road in a rural area or an urban area carrying a low volume of traffic, shall not be located directly opposite each other and less than one hundred metres apart from each other.

(3) Two service stations on either side of a single carriageway road in a rural area or an urban area carrying a high volume of traffic shall not be located directly opposite each other and less than one hundred and fifty metres apart from each other.

(4) Two service stations located on the same side of a road shall not be less than three hundred metres apart from each other, unless they are contiguous with a common entrance and exit.

(5) Two service stations may be located opposite to one another on a dual carriageway road that is divided by a central reservation.

39. Planning criteria for site selection

(1) A service station shall be located not less than fifty metres away from -

- (a) places of public assembly;
- (b) residential buildings;
- (c) key civilian and military installations;
- (d) a public institution, such as a school, a mosque, a church, a public library, an auditorium, a hospital, a public playground; and
- (e) an environmentally sensitive area, such as a wetland.

(2) A service station shall be sufficiently spacious and in particular shall -

- (a) be located in such a way as to avoid unnecessary back tracking (reversing) by vehicles;
- (b) wherever possible, not be located -
 - (i) on sloping ground,
 - (ii) at a T-junction or a Y-junction,
 - (iii) at a cross junction, a staggered junction, a scissors junction or a multi-leg junction, or
 - (iv) at a rotary intersection;
- (c) have a frontage of not less than thirty metres;
- (d) have a width of not less than seven metres at its entrance and a width of not less than seven metres at its exit; and
- (e) permit -
 - (i) the free flow of vehicles into it,
 - (ii) easy manoeuvring of vehicles within it, and
 - (iii) the free flow of vehicles out of it.

(3) The Authority shall assess an application for the location of a service station at a junction, on its own merit, using sound traffic engineering parameters.

40. Warning signs

(1) A person who operates a petroleum service station shall conspicuously post standard warning signs where each dispensing unit is situated.

(2) Standard warning signs shall include -

"WARNING - NO SMOKING";

"WARNING - NO NAKED LIGHTS"; and

"WARNING - NO RUNNING ENGINE".

(3) The lettering on a warning sign shall be at least fifty millimetres high.

(4) A warning sign shall be posted not less than 1.8 metres and not more than 2.5 metres above the ground level.

41. Fire control

(1) A person who operates a petroleum service station shall provide -

(a) approved types of fire extinguishers of rating not less than 70B (9 kilogrammes) or 34B (2 x 4.5 kilogrammes), at the location of each dispensing unit; and

(b) an adequate quantity of sand or other absorbent to mop up any spillage.

(2) Fire extinguishers shall be adequately protected from the weather.

(3) Absorbent materials shall be kept in a container with a close fitting lid in an accessible place.

42. Reports of changes in representations, etc.

(1) A licensee shall inform the Minister of any significant change in the representations in his or her application or the stated conditions under which his or her license was granted within one month of its occurrence.

(2) Following the occurrence of any accident, natural disaster or other event which poses the risk of causing a sustained interruption or significant reduction of the petroleum supply operations, major damage to health, public safety or the environment, or damage to third parties, a licensee shall —

(a) immediately provide the Minister or his or her designated representative or agency with a verbal situation report; and

(b) provide a detailed, written situation report within forty-eight hours of that occurrence.

(3) A report submitted under sub-regulation (2) (b) shall state the causes and consequences of the occurrence in question and the preventive measures taken or to be taken to remedy it.

(4) A licensee shall in addition -

(a) provide daily update briefings, in the case of spills, accidents or disaster, unto normalcy returns;

(b) submit a comprehensive report within sixty days of the situation returning to normal; and

(c) provide proof of comprehensive insurance coverage of the supply chain operations, including but not limited to transportation, storage facilities of product stocks, personnel, equipment and third parties.

43. Miscellaneous

A person shall not require a license for storage of the following petroleum products -

(a) petrol or gasoline, diesel and kerosene not exceeding two hundred litres, if contained in secured metal containers.

(b) heavy fuel oils, paraffin not exceeding one thousand litres contained in two hundred litres drums, but stored in accordance with conditions issued by a licensing officer, and

(c) liquefied petroleum gas, stored in potable cylinders with combined capacity of up to one hundred kilogrammes.

44. Transitional provisions

After the commencement of these Regulations -

(a) an approval or a permission that has been issued by the Ministry before the commencement of the Act shall remain valid; and

(b) a review of compliance of an approval or a permission that has been issued by the Ministry before the commencement of this Act shall be done in accordance with this Act and any Regulations made under it.

MADE THIS 8th DAY OF JUNE 2018

HON. FAFA SANYANG

MINISTER OF PETROLEUM AND ENERGY