

GOVERNMENT NOTICE No. 115 published on 4/3/2022

THE PETROLEUM ACT,
(CAP.392)

RULES

(Made under section 259(1))

THE PETROLEUM (LUBRICANT OPERATIONS) RULES, 2022

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THE PETROLEUM ACT,
(CAP.392)

RULES

(Made under section 259(1))

THE PETROLEUM (LUBRICANT OPERATIONS) RULES, 2022

PART I
PRELIMINARY PROVISIONS

Citation	1. These Rules may be cited as the Petroleum (Lubricant Operations) Rules, 2022.
Application	2. These Rules shall regulate lubricant wholesale, distribution and retail business in Mainland Tanzania.
Interpretation	3. In these Rules, unless the context otherwise requires:
Cap. 392	“Act” means the Petroleum Act;
	“applicable law” means any principal law, treaty, proclamation, regulation, rule, order or a by-law that is customarily treated in Tanzania as having legally binding force in matters pertaining to regulation of lubricant;
Cap. 130	“approved specification” means any specification or standard in relation to a lubricant applied by the Authority and as approved pursuant to the Standards Act, and any other standards that are widely used and considered Best International Petroleum Industry Practices;
Cap. 414	“Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the EWURA Act;
Cap. 340	“Certification Authority” means the Weights and Measures Agency established under the provisions of the

Executive Agencies Act;

“container” means any receptacle including a drum, pail, jerry can, tin, carton, can or jar in which a lubricant is stored or carried;

“compliance order” means an order issued by the Authority pursuant to section 39 of the EWURA Act;

“customer” means a person who buys a lubricant from a wholesaler, distributor or a retailer;

“dangerous situation” means a situation involving a petroleum product that:

(a) endangers the safety or health of a person, or the safety of a person’s property; or

(b) creates an immediate risk of significant environmental harm;

“dealership agreement” means the contractual arrangement that establishes, *inter alia*, a relationship between a wholesaler and a distributor or a distributor and a retailer with respect to the purchase and sale of a lubricant as required by rule 40;

“decant” means transfer of a lubricant from one container to another;

“distributor” means a person who is licensed to undertake lubricant distribution business other than a wholesaler;

Cap. 414 “EWURA Act” means the Energy and Water Utilities Regulatory Authority Act;

“incident” means:

(a) an event that involves spillage of a lubricant;

(b) death or personal injury occurring as a result of the conduct of a licensed activity or lubricant retail business;

(c) a fire or an event incidental to a fire resulting from the conduct of a licensed activity or lubricant retail business; or

(d) any other significant event that may adversely affect the conduct of a licensed activity or lubricant retail business;

“inspector” means an officer of the Authority or an agent of the Authority appointed by the Authority to perform the functions of inspection as required under the Act

- and applicable law;
- “licence” means an authorization issued by the Authority to conduct a licensed activity pursuant to these Rules;
- “licensee” means a holder of a licence;
- “licensed activity” means an activity related to wholesale or distribution of a lubricant;
- “licensed facility” means a warehouse, storage tank, blending plant and associated equipment and accessory which a licensee uses to conduct a licensed activity;
- “lubricant distribution business” means an activity necessary for bulk storing, handling and selling of a lubricant to a customer through an approved lubricant warehouse;
- “lubricant retail business” means an activity necessary for storing, handling and selling of a lubricant to a customer through a lubricant shop;
- “lubricant shop” means any place where a lubricant is sold or offered for sale to a customer by a retailer;
- “lubricant wholesale business” means an activity necessary for importing of a lubricant, base oil or additives for blending, blending, bulk storing, distributing and selling of a lubricant to a customer;
- “NPGIS” means the National Petroleum and Gas Information System maintained by the Authority;
- “operator” means a person who is responsible for the day-to-day activities of a licensed facility or a lubricant shop, whether such person is on the relevant premises during business hours or is the owner of such facility and who for the purpose of these Rules, shall be deemed to have the authority and the ability to:
- (a) grant an inspector access to a licensed facility or relevant premises to facilitate the performance of the inspector’s duties;
 - (b) detect any defect within a licensed facility and make an authoritative judgment as to its suitability for further use;
 - (c) answer questions raised by inspectors; and
 - (d) witness the inspection process.
- “retailer” means a person who undertakes lubricant retail business;

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- Cap. 130 “supplier” means a wholesaler, distributor or retailer;
“TBS” is an acronym of the Tanzania Bureau of Standards established under the Standards Act;
- Cap. 285 “Tribunal” means the Fair Competition Tribunal established under the provisions of the Fair Competition Act; and
“wholesaler” means a person who is licensed to undertake lubricant wholesale business.

PART II

APPLICATION FOR A CONSTRUCTION APPROVAL

Application for construction approval **4.-(1)** A person shall not construct a lubricant blending plant without seeking and obtaining a construction approval from the Authority in a manner provided under these Rules.

(2) Any person who intends to construct a lubricant blending plant shall lodge an application with the Authority by filling in the application Form No. 2A prescribed in the First Schedule to these Rules or as otherwise described by the Authority.

(3) Any person who constructs a lubricant blending plant without seeking and obtaining a construction approval from the Authority, commits an offence and shall, upon conviction, be liable to a fine of not less than twenty million shillings or imprisonment for a term of not less than three years or both.

Application to be accompanied by fee **5.** An application for a construction approval under rule 4 shall be accompanied by a non-refundable application fee as shall be prescribed by the Authority.

Grant of construction approval **6.-(1)** The Authority shall, upon receipt of an application under rule 4, proceeds to evaluate such application and decide whether to grant, deny or refer back the application.

(2) The Authority shall, while making a decision whether to grant or deny a construction approval, consider the application compliance with-

- (a) land ownership and land use laws; and
- (b) health, safety and environmental requirements.

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(3) Upon issuance of an approval, the applicant shall be notified.

(4) Where the Authority grants an application, shall cause the construction approval to be published in the *Gazette*.

(5) The Authority shall, in the event that it denies an application for a construction approval, inform the applicant of such decision in writing, including the reasons thereof.

Duration of
construction
approval

7.-(1) A construction approval issued by the Authority under rule 6 shall remain in force for such period as the Authority may determine.

(2) The construction approval issued by the Authority under rule 6 shall cease to have effect in the event the holder of the approval fails to commence construction within twenty-four (24) months from the date of issue.

(3) The Authority may, upon receipt of an application by the holder of a construction approval extend the duration of the construction approval to such period as it may think fit.

Suspension
and
revocation
of
construction
approval

8.-(1) Where the holder of construction approval fails to comply with any of the terms and conditions of the construction approval, the Authority may, by notice published in the *Gazette*, withdraw or suspend a construction approval.

(2) Where the Authority intends to withdraw, suspend or amend a construction approval it shall, at least twenty-one (21) days before the date of intended revocation, suspension or amendment, notify the holder of such approval about the intention and the reasons thereof.

(3) Notwithstanding the provisions of subrules (1) and (2) the Authority may, by notice in the *Gazette*, withdraw or suspend a construction approval on the application or with the consent of the holder of such approval.

(4) The Authority may, by notice in the *Gazette*, reinstate a construction approval revoked or suspended under subrule (1) if satisfied that the reasons for the revocation or suspension has been corrected.

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(5) Without prejudice to the provisions of subrule (2), the Authority may, pending the expiry of the notice under that subrule and where there are compelling reasons to do so, order the holder of the construction approval to suspend the construction work.

PART III LICENSING PROCEDURES

Obligation
to obtain
licence

9.-(1) A person shall not conduct a licensed activity without prior seeks and obtains a licence from the Authority.

(2) The Authority shall issue licences in respect of the following activities:

- (a) lubricant wholesale business; and
- (b) lubricant distribution business.

(3) Any person who contravenes the provisions of subrules (1) commits an offence and shall be liable upon conviction, to a fine of twenty million Tanzania shillings or imprisonment for a term of not less than two years but not more than five years or both.

Power to
enter and
close
facility

10. Notwithstanding the penalty prescribed under rule 9(3), the Authority shall, in the event it determines that a person is or has contravened the provisions of rule 9 (1), enter upon any facility and close it down.

Licensing
requiremen
ts for
lubricant
wholesale
licence

11.-(1) A person shall not be issued with a lubricant wholesale licence unless that person meets the necessary technical and financial licensing requirements which are:

- (a) written proof of ownership or lease of a lubricant warehousing that complies with Best International Petroleum Industry Practices including:
 - (i) an emergency exit;
 - (ii) sufficient ventilation;
 - (iii) spillage containment; and
 - (iv) adequate fire fighting equipment;
- (a) possession of oil and lubricant handling permit from the relevant authority;
- (b) where the applicant intends to undertake blending

activity, a written proof of ownership of a lubricant blending plant that complies with Best International Petroleum Industry Practices;

- (c) submission of Curriculum Vitae of at least two key personnel and proof of their relevant qualifications and experience;
- (d) proof of financial capability which is either:
 - (i) an audited financial statement showing annual gross turnover of not less than two hundred million Tanzania shillings and a good business track record; or
 - (ii) a bank statement showing a credit balance of not less than two hundred million Tanzania shillings; or
 - (iii) a bank guarantee or a credit facility of not less than two hundred million Tanzania shillings from a bank or financial institution licensed by the Bank of Tanzania; or
 - (iv) a letter of comfort from a financial institution or a bank licensed by the Bank of Tanzania that confirms that the bank or the financial institution shall extend a loan to the applicant for the amount not less than two hundred million Tanzania Shillings, provided that the letter shall be signed by the chief executive officer or an authorized signatory of the institution or the bank; and
- (e) in the event the lubricant to be imported is not registered pursuant to the provision of rule 41, together with an application for a licence, submits necessary documents for registration of a lubricant to be imported.

(2) Notwithstanding the provisions of subrule (1), an applicant may rely on the financial capability of its parent company provided that-

- (a) such departure is supported by a written consent or guarantee from such parent company; and
- (b) the applicant submit proof of financial capability

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of the parent company which shall be either:

- (i) an audited financial statement showing annual gross turnover of not less than one billion Tanzania shillings or equivalent in convertible currency; and
- (ii) a bank statement of not more than three months to the date of application showing a credit balance of not less than one billion Tanzania shillings or its equivalent in convertible currency.

Licensing
requiremen
ts for
lubricant
distribution
business

12. A person shall not be issued with a licence to undertake lubricant distribution business unless the applicant meets the necessary technical licensing requirements which are:

- (a) a written proof of ownership or lease of a lubricant warehousing that complies with Best International Petroleum Industry Practices including:
 - (i) an emergency exit;
 - (ii) sufficient ventilation;
 - (iii) spillage containment; and
 - (iv) adequate fire fighting equipment;
- (b) possession of oil and lubricant handling permit from the relevant authority;
- (c) dealership agreement with a licensed wholesaler; and
- (d) possession of adequate skilled personnel.

Conditional
licence

13. Notwithstanding the generality of rule 11 and 12, the Authority may issue a licence with specific conditions to be fulfilled within a prescribed time.

Licence
application

14.-(1) An applicant for a licence shall apply to the Authority for a licence by filling in the appropriate Form 2B and 2C as set out in the First Schedule to these Rules.

(2) An application for a licence shall be accompanied by a duly signed integrity pledge in a Form No. 3 as set out in the First Schedule, tax clearance certificate and a non-refundable application fee to be prescribed by the Authority.

Publication
of licence
applications

15.-(1) A licence application received by the Authority shall be evaluated to verify its completeness and correctness of the information contained therein and shall thereafter publish a notice of the application in at least two newspapers of wide circulation in Tanzania, in English and Kiswahili to solicit comments and representations from the public with regard to the application.

(2) Subject to subrule (1), the public shall submit comments and representations within fourteen days from the date of publication of the notice and the comments and representations shall be considered by the Authority in arriving at the decision on the application.

(3) The costs of publication of the notice under subrule (1) shall be borne by the Authority.

Grant of
licence

16.-(1) The Authority shall, upon consideration of an application for a licence-

- (a) deny the application;
- (b) refer back the application; or
- (c) grant the application and issue a licence.

(2) The Authority shall, while making a decision to grant, refer back or deny a licence, take into consideration-

- (a) the licensing requirements in rules 11 and 12;
 - (b) the protection of the environment;
 - (c) objections or representations received from the public pursuant to rule 15;
 - (d) compliance to land use laws;
 - (e) the applicant's record of compliance with the Act, these Rules or other applicable laws;
 - (f) compliance of the proposed licensed facility on matters related to:
 - (i) safety;
 - (ii) health;
 - (iii) security;
 - (iv) handling of hazardous substances; and
 - (v) environment;
 - (g) any other matter relevant to the orderly conduct of lubricant business in Tanzania.
- (3) The Authority shall, in the event that it denies or

refers back an application for a licence, informs the applicant of such decision in writing, including the reasons thereof.

Duration of
licence

17.-(1) The term of a licence for lubricant wholesale and distribution business shall be five years.

(2) A licence shall remain valid for the term stated in subrule (1): Provided that, the Authority may, on the written application by a licensee, extend the period for such further period as the Authority may deem fit.

(3) Notwithstanding the provisions of subrules (1) and (2), a licence shall cease to have effect if the respective licensee fails to commence a licensed activity within six months from the date of issuance of the licence.

Application
for transfer
of licence

18.-(1) No licence shall be assigned or transferred to another person without a written approval of the Authority.

(2) Any transferor or assignor of a licence shall apply to the Authority by filling the application Form No. 2D prescribed in the First Schedule to these Rules.

(3) Notwithstanding the provisions of subrule (1) no application for a transfer or assignment of a licence shall be entertained by the Authority unless it is endorsed by the transferee or assignee.

(4) A licence transfer application received by the Authority shall be evaluated to verify its completeness and correctness of information contained therein and thereafter a notice of the application shall be published in at least two newspapers of wide circulation in Tanzania, in English and Kiswahili to solicit comments and representations from the public with regard to the application.

(5) Subject to subrule (4), the public shall submit comments and representations within fourteen days from the date of publication of the notice and the comments and representations shall be considered by the Authority in arriving at the decision on the application.

(6) The Authority shall, after the expiration of the notice referred to under subrule (5), evaluate the application together with comments received (if any) and make a decision whether to grant or deny the application.

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Change of
name

19.-(1) A licensee may change its name pursuant to the provisions of these Rules and applicable law.

(2) A licensee who has changed its name shall, within thirty (30) days after the changing the name, notify the Authority in writing.

(3) The notification made under subrule (2) shall be accompanied by a certificate of change of name issued by the relevant authorities.

Change in
shareholdin
g structure

20.-(1) A change of ownership where a third party becomes a majority shareholder structure in relation to which a licence has been issued shall require the written approval of the Authority.

(2) The party seeking approval under subrule (1) shall, together with its application be required to submit the following supporting documents-

- (a) a duly signed and stamped deed of share transfer;
- (b) Tax Clearance Certificate of a transaction; and
- (c) any other information as may be required by the Authority.

Cap. 212

(3) A licensee shall, after filing with the Registrar of Companies the necessary forms evidencing the change of shareholding holding structure as required by the Companies Act, notify the Authority about such change.

(4) The Authority may, before approving the application for change in shareholding structure, consult the Fair Competition Commission and the Tanzania Revenue Authority.

Application
for renewal
of licence

21.-(1) A licensee who intends to renew a licence shall, not less than six months before expiration of the licence term, apply to the Authority for a renewal.

(2) An application under subrule (1) shall be made in Form No. 2E prescribed in the First Schedule to these Rules accompanied by-

- (a) a certified copy of tax clearance certificate;
- (b) in the case of wholesaler, lubricant importation records of the expiring licence;
- (c) in the case of a distributor, dealership agreement with a wholesaler.; and

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(d) any other information as may be required by the Authority.

(4) The Authority shall while making a decision whether to grant or deny an application consider the applicant's compliance to the provisions of the Act, these Rules and terms and conditions of the licence which is due to expire.

(5) The Authority shall, in the event that it denies an application, inform the applicant of such decision in writing, including the reasons thereof.

(6) The Authority shall not renew the licence of a licensee who has, during the term of the licence which has expired or is due to expire, failed to comply with the terms and conditions of the licence, refused or wilfully neglected to comply with any order given by the Authority and such acts were not remedied by such licensee up to the time of determining the application.

Suspension
or
revocation
of licence

22.-(1) A licence may be suspended or revoked by the Authority for a period of twelve months if the licensee:

- (a) violates any of the provisions of the Act or conditions attached to a licence which affects the conduct of regulated activity;
- (b) obtained a licence by fraud or deliberate submission of false information or statements;
- (c) fails to comply with obligations conferred within the terms stated in the licence;
- (d) persistently fails to comply with the approved local content plans;
- (e) interrupts services to other users without authorization of the Authority;
- (f) carries on business in a manner that is detrimental to the welfare or interest of other users;
- (g) violates the tariffs, rates and charges established by the Authority;
- (h) persistently fails or refuses to submit information to the NPGIS;
- (i) fails to comply with the applicable health, safety, service, quality or environmental standards, or any other additional standards as may be stated in

the licence; or

- (j) is convicted or found guilty of an offence relating to corruption, money laundering, economic crimes or tax evasion.

(2) The Authority shall not suspend or revoke a licence, unless a twenty one days' notice of intention to suspend or revoke the said licence has been issued to a licensee.

(3) The Authority may waive the licence suspension if it is satisfied that a licensee has abstained from the act that caused the suspension and the reason for suspension no longer exists.

PART IV GENERAL AND SPECIFIC OBLIGATIONS OF A SUPPLIER

General
obligation
of supplier

23.-(1)A supplier shall at all times-

(a) comply with:

- (i) applicable law;
 - (ii) orders and directives of the Authority;
 - (iii) these Rules;
 - (iv) provisions related to local content as provided in the Act and regulations;
 - (v) Best International Petroleum Industry Practices; and
 - (vi) any guidelines issued by the Authority;
- (b) ensure that any lubricant that is imported, blended, stored, transported or sold is registered by the Authority before it is used in Tanzania;
- (c) ensure that a lubricants adequately packed and the content weight or volume is accurate;
- (d) ensure that a lubricant is marked with the following information-
- (i) manufacturer's name;
 - (ii) product brand name;
 - (iii) product type;
 - (iv) performance level;
 - (v) quantity in weight or volume; and
 - (vi) batch number;

- (e) inform the Authority as soon as practicable, but in any event not more than twenty four hours after the occurrence of a dangerous situation or incident related to its licensed facility, its retail business, or occurring within its lubricant shop or occurring within its licensed facility, including the steps taken or proposed to be taken to remedy such situation or to eliminate or minimize the danger arising from such situation;
 - (f) upon request, make available to the Authority records of the licensed activity;
 - (g) not engage in any activity that restricts, disrupts or interferes with competition;
 - (h) print the number of the licence on every accounting document used for its operations with a customer, including invoices, delivery notes, and receipts;
 - (i) as soon as practicable, but in any event not later than thirty days after it becomes aware of the fact, notify the Authority-
 - (i) if it is unable to conduct its licensed activity;
 - (ii) if the conduct of its licensed activity would or might lead to the breach of any of these Rules, applicable law or materially affect services to the customers; or
 - (iii) of any material change in circumstance that adversely affects its licensed activity.
- (2) Notwithstanding the provision of subrule (1), a wholesaler or a distributor shall:
- (a) as soon as practicable, but in any event not later than thirty days after it becomes aware of the fact, notify the Authority-
 - (i) if it is unable to conduct its licensed activity;
 - (ii) if the conduct of its licensed activity would or might lead to the breach of any of these Rules, applicable law or

- materially affect services to the customers; or
- (iii) of any material change in circumstance that adversely affects its licensed activity;
- (b) conduct business in such a way that:
 - (i) customers are treated fairly and equally; and
 - (ii) comparable services are provided to all customers;
- (c) cause the operator to be present on the licensed facility at all time;
- (d) notify the Authority of any change of its address, name or location not later than seven days after such change;
- (e) ensure that it has material safety data sheet for each lubricant;
- (f) display in a conspicuous place at its licensed facility its licence or a true copy thereof; and
- (g) issue an official receipt bearing its registered name and address in all transactions relating to a lubricant which shall specifically set out:
 - (i) its registered name and address;
 - (ii) the quantity and price of the lubricant sold; and
 - (iii) the date of transaction.
- (3) Notwithstanding the provision of sub rule (1) and (2),:
 - (a) wholesaler shall-
 - (i) ensure that it only sells a lubricant to a distributor it has entered into a dealership agreement with or a customer;
 - (ii) not sell or import any lubricant without the consent of the brand owner
 - (iii) on a monthly basis, submit to the Authority a report on the imported lubricant which shall include the quantity of the lubricant imported.
 - (iv) ensure that the blending formulation is

- certified by the appropriate certification body;
- (b) wholesaler with a blending plant shall:
- (i) not manufacture a lubricant without a written consent of the brand owner;
 - (ii) not sell a lubricant without the written consent of the wholesaler who owns such lubricant;
 - (iii) on a monthly basis, submit to the Authority a report on the blended lubricant brand which shall include the following particulars:
 - (aa) the owner of such blended lubricant;
 - (bb) brand of the blended lubricant; and
 - (cc) the quantity of the blended lubricant.
 - (iv) where it intends to replace or install equipment at a licensed facility or a part thereof, not less than thirty days prior to commencing such replacement or installation, notify the Authority in order to allow the Authority to make necessary inspection and issue necessary approvals.
- (c) a distributor shall buy a lubricant from a wholesaler it has entered into a dealership agreement;

Protection
of lives and
property

24.-(1) A supplier shall, while storing, keeping, handling, conveying, using or disposing of a lubricant, take such precautions and exercise such care as may be reasonable under the circumstances in order to-

- (a) avoid endangering the safety or health of any person, or the safety of any person's property; and
- (b) prevent significant environmental harm.

(2) A wholesaler shall dispose of any waste related to lubricant business in a manner and at a place intended for the

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safekeeping and dumping of such products pursuant to applicable law and Best International Petroleum Industry Practices.

Compensation for loss suffered

25.-(1) A supplier shall compensate any person who has suffered any loss as a result of a licensed activity or a lubricant retail business as the case may be.

(2) Any person who has suffered loss as a result of a licensed activity may lodge a complaint with a supplier whose licensed activity or retail business, as the case may be, has caused such loss with a view to achieve an amicable settlement.

(3) In the event settlement is not reached under subrule (2), the person who has suffered loss may refer the matter to the Authority for decision.

Cap. 414

(4) Subject to subrule (3). The Authority shall deal with such matter as if it is a complaint lodged pursuant to the provisions of the EWURA Act

(5) For the purpose of this rule, “a person” shall include an administrator, executor or executrix of the estate of a deceased person.

Maintenance of records, provision and disclosure of information

26.-(1) Every wholesaler or distributor shall at all times:

- (a) keep complete and accurate records and data related to its licensed activity; and
- (b) provide to the Authority documents, records or information related to its licensed activity.

(2) Any person who refuses to furnish information or statement as required under subrule (1)(b) or furnishes false information or statement shall be liable to a fine of not less than twenty million Tanzania shillings or to imprisonment for a term of not less than five years or both.

Confidential information

27.-(1) Any information received by the Authority from a supplier in compliance with these Rules shall be presumed not to be confidential.

(2) A supplier shall not be entitled to withhold information from the Authority on the ground that it is confidential.

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(3) A supplier may request the Authority not to circulate specific data or information that it has provided to the Authority, provided, that only the Authority shall determine that such information is confidential.

(4) The Authority shall limit or prohibit the publication of any information to the public in the event it makes a determination that such information is confidential.

PART V ENVIRONMENTAL PROTECTION

Compliance with environmental laws and standards

28.-(1) Every supplier shall comply with the requirements of all applicable environmental laws and standards related to a licensed activity.

(2) Subject to applicable law, a wholesaler, distributor or a LOB shall:

- (a) take all necessary preventive measures to avoid pollution resulting from its licensed activity;
- (b) observe strict environmental, health, and industrial safety standards as required by applicable law; and
- (c) perform an environmental audit related to licensed activity in accordance with applicable law.

(3) For the purpose of subrule (2)(a) the term “major improvement” means an improvement that aims at expanding the size of the licensed facility and increasing the number of storage tanks.

Sanctions for events of violations of environmental laws

29. The Authority shall, in the event it determines that a supplier has violated any of the licence conditions, the Act, these Rules or any applicable law on matters related to the protection of environment, take appropriate actions pursuant to the provisions of the applicable law.

PART VI TECHNICAL OBLIGATIONS OF A SUPPLIER

Compliance with

30.-(1) A supplier shall comply with approved specifications pertaining to the handling, storage and

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specifications and standards composition of a lubricant which is consistent with these Rules and applicable law.

(2) A supplier shall not deviate from any approved specification without prior approval of the Authority.

(3) The Authority shall not grant an approval under subrule (2) unless it is satisfied that such deviation is for public interest and will not negatively affect public safety and the environment.

Execution of dealership agreement **31.-(1)** A distributor shall, at all time maintains a valid dealership agreement with a wholesaler.

(2) A wholesaler and distributor shall execute and make available to the Authority upon request the dealership agreement signed.

Provision of technical support **32.-(1)** A wholesaler shall provide technical support to a distributor with whom it has a dealership agreement and shall ensure that its lubricant distribution business is conducted in accordance with these Rules and its licensed facility complies with the requirements prescribed in these Rules.

(2) A distributor shall

(a) be deemed to be an agent of a wholesaler with whom it has a dealership agreement, and the said wholesaler shall be responsible for all the conducts of the distributor; and

(b) provide technical support to a retailer with whom it has a dealership agreement and shall ensure that its lubricant retail business is conducted in accordance with these Rules and its retail outlet complies with the requirements prescribed in these Rules.

(3) A retailer shall be deemed to be an agent of a distributor with whom it has a dealership agreement, and the distributor shall be responsible for all the conducts of the retailer.

Offence **33.-(1)** Any person who contravenes the provisions of rules 31 commits an offence and shall upon conviction be liable to a fine of not less than three million Tanzania

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shillings or imprisonment for a term of not less than three years or both.

Restriction
on decanting
or repacking

34.-(1) A repacking or decanting of a lubricant for purpose of sale shall be carried out at a lubricant blending plant of wholesaler.

(2) The repacking or decanting of a lubricant shall be done such a way that its properties cannot be altered.

Prohibition
on under
filling

35.-(1) The net lubricant quantity contained in a container shall not be less than the content specified in the container and any shortfall in the lubricant quantity contained shall constitute under filling.

(2) The following circumstances shall raise a presumption that a container is under filled:

- (a) a broken seal;
- (b) a seal that has been tampered with; or
- (c) the absence of a seal.

(3) The possession of an under filled container that has not been so identified or that has not been removed from a licensed facility, shall raise a presumption that such container is for sale.

Reference of
violation to
the
certification
authority

36. A supplier who sells, offers for sale, packs or distributes an under filled container shall be referred to the certification authority for action.

Deceptive
trade
practices

37.-(1) A supplier shall not engage in any activity that may deceive, mislead, or have the effect of deceiving or misleading a customer, with respect to-

- (a) the brand name of a lubricant; and
- (b) lubricant's composition, grade or quantity.

(2) Any supplier who contravenes the provisions of subrule (1) commits an offence and shall upon conviction be liable to a fine of three million Tanzania shillings.

Storage of
lubricant

38.-(1) A supplier shall-

- (a) locate, construct, maintain and operate its works connected with storage of a lubricant in accordance with these Rules, respective licence,

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applicable laws and Best International Petroleum Industry Practices; and

(b) conduct its licensed activity in such a way so as not to endanger public health or safety.

(2) A wholesaler shall mark with conspicuous signs the storage tanks and containers of each product.

(3) A supplier shall, when storing a lubricant, employ appropriate safeguards to ensure that a leak is easily detected.

Provision
for fire
extinguishin
g equipment

39.-(1) Pursuant to applicable law and Best International Petroleum Industry Practices, a supply shall provide and maintain adequate fire extinguishing equipment at a licensed facility.

(2) A supplier shall, not less than once a year, test the fire extinguishing equipment pursuant to its specification and applicable law.

Preparation
of fire
emergency
plan

40. A wholesaler with a blending plant shall establish a fire emergency plan to be employed in the event of a fire at a licensed facility that shall-

(a) include a suitable and adequate fire-fighting plan that comprises of-

(i) the locations and types of all fire-fighting equipment; and

(ii) an action plan that identifies, *inter alia*, assembly points and the tasks of all employees;

(b) include provisions for the training of employees to deal with a fire emergency situation, the records of which shall be preserved;

(c) be provided to employees employed in or on the licensed facility; and

(d) be made available to the Authority on request.

Registration
of lubricant

41.-(1) A wholesaler shall not import, manufacture, store, distribute, sell or offer for sale a lubricant which he has not registered with the Authority.

(2) A person shall not store, distribute, sell or offer

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for sale a lubricant that has not been registered with the Authority.

(3) An application for registration of a lubricant under subrule (1), shall be made in writing by filling in the registration Form 4 prescribed in the Second Schedule.

(4) The Authority shall, in the event that it refuses registration of a lubricant, inform the applicant of such decision in writing, including the reasons thereof and any directive that the Authority may consider appropriate.

(5) Any person who imports, blends, stores, transports or sells lubricant that is not registered with the Authority pursuant to these Rules, commits an offence and shall upon conviction be liable to a fine of twenty million Tanzania shillings.

PART VII
LUBRICANT SAMPLING AND TESTING
PROCEDURES
Sub-Part I
Sampling Process

Sampling in
accordance
with Act
and Rules

42.-(1) The Authority shall conduct sampling and testing of a lubricant in accordance with the Act and these Rules.

(2) The Authority shall, upon receipt of any complaint or on its own motion, take samples of and test any petroleum product from any licensed facility, transport unit or lubricant shop.

(3) A supplier shall ensure that an operator is present at a licensed facility, transport unit or lubricant shop at all times.

Preliminary
steps to
sampling

43.-(1) During the inspection, an inspector shall identify himself to an operator, driver or to any employee working at a licensed facility, transport unit or a lubricant shop, having identified, take samples and deliver to an operator, driver or to any employee working at a licensed facility, transport unit or a lubricant shop the Sample Collection Form No. 1 prescribed in Third Schedule for signing.

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(2) An operator, driver or any employee working at a licensed facility, transport unit or a lubricant shop shall be required to-

- (a) co-operate with the inspector;
- (b) comply with any instructions or requests made by the inspector pursuant to their mandate; and
- (c) grant the inspector unhindered access to any document, the licensed facility, transport unit and lubricant shop as appropriate.

Sampling
process

44.-(1) An inspector shall, in each sampling process, take three samples of any type of a lubricant from a licensed facility, transport unit or lubricant shop.

(2) The sample of a lubricant referred in subrule (1) shall be taken from a lubricant container in the following manner

- (a) for a 3 litre and above container, the container shall be opened and the sample distributed into three portions of 1 litre each; and
- (b) for a less than 3 litre container, individual containers amounting to 3 litres in total shall be distributed in 3 equal portions.

(3) The lubricant samples for testing shall be taken by an inspector using a container that meets approved specifications.

(4) An inspector shall ensure that each sample taken is-

- (a) properly labelled;
- (b) witnessed by an operator, driver or any other employee and an inspector; and
- (c) sealed properly with the seal of the Authority.

Sample
collection
forms to be
signed

45.-(1) An Inspector shall complete the Sample Collection Form shall then be counter-signed by an operator.

(2) An inspector shall, in the event that an operator, driver or any employee working at a licensed facility, transport unit or lubricant shop refuses or fails to counter sign the Sample Collection Form, note that such, operator, driver or employee has failed or refused to sign the form.

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(3) An inspector shall, in respect of the samples described under rule 44(1) and (2)-

- (a) deliver one sample to an operator, driver or any employee working at a licensed facility, lubricant shop or a transport unit to be conserved for possible re-testing;
- (b) deliver one sample to one of the laboratories selected pursuant to rule 56 (1) for testing; and
- (c) conserve one sample in the Authority's storage facility for possible re-testing.

(4) The Authority shall properly maintain the document pursuant to chain of custody of the samples described in subrule (3).

Operator,
driver or
employee to
witness and
facilitate
sampling
exercise

46.-(1) An operator, a driver or any employee working at a licensed facility, a lubricant shop or a transport unit as the case may be shall, during the sampling process-

- (a) be entitled to witness the entirety of the sampling process; and
- (b) facilitate the sampling process in any way that the inspector may require.

(2) The lubricant samples shall be retained by the Authority and the operator not longer than two months after the date of collection.

Offence

47. Any person who contravenes the provisions of rule 43 or rule 44, commits an offence and shall upon conviction be liable to a fine of not less than five million Tanzania shillings or to imprisonment for a term of not less than three years or both.

Sub-Part II

Lubricant Testing and Re-testing Procedures

Selection of
qualified
laboratories

48.-(1) The Authority shall select a laboratory qualified to test lubricant samples in accordance with the approved specification.

(2) The Authority shall, while selecting a laboratory pursuant to subrule (1) consider the following-

- (a) the ability of the laboratory to conduct specific

- tests pursuant to the approved specification;
- (b) whether the laboratory is equipped with up-to-date and calibrated instruments, and supplies consistent with the scope and volume of tests to be conducted;
- (c) the laboratory's reputation in the community on matters of professionalism and ethical behaviour;
- (d) information related to the laboratory's participation in voluntary accreditation programme and its current certification status;
- (e) ease of communication, particularly in respect of questions arising; and
- (f) timely delivery of test results.

(3) The costs for sampling and testing a lubricant shall be borne by the Authority.

(4) The Authority shall, not more than seven working days after receiving the results from a laboratory, notify the operator in writing of the results whether conforming or non-conforming, and it shall thereafter-

- (a) take no further action where test results indicate that a sample is conforming to approved specifications; or
- (b) deal with the operator in accordance with rule 56 (1) where the test results indicate that a sample is non-conforming to approved specifications.

Re-testing
process

49.-(1) The Authority may in the event that any person disputes the results under rule 48 (4), conduct a re-test of the samples pursuant to these Rules and the costs of re-testing shall be borne by the person disputing the first results.

(2) Notwithstanding the provisions of subrule (1) the re-test of the samples shall only be done where-

- (a) the Authority has received a request in writing for a re-test;
 - (b) the seals of the sample to be tested remain intact and the samples are not tempered with; and
 - (c) re-test costs have been fully paid by the disputing person.
- (3) In the event that the Authority determines to re-

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test a sample, the Authority shall recover the sample conserved by the operator pursuant to rule 45(3)(b) and the sample conserved by the Authority pursuant to rule 45(3) (c) to be re-tested in two separate laboratories selected by the Authority pursuant to rule 48 (1); provided, however, that no testing shall be conducted by a laboratory that was involved in the first testing process.

Right to
witness re-
testing

50.-(1) The operator, the complainant or their representatives shall have the right to witness a re-test.

(2) In the event that an operator, complainant or their representatives refuse or fail to appear for the re-testing described in subrule (1), such operator, complainant or their representative shall be deemed to have-

- (a) waived its right to witness the re-test; and
- (b) authorized the Authority to proceed with the re-testing in their absence.

(3) After receipt of the results of the re-testing, the Authority shall-

- (a) make a final determination on the test results from the two laboratories taking into account the results of the first test; and
 - (b) notify the operator or any other person disputing the results of such determination.
- (4) The results of the re-testing shall be final.

Sub-Part III

Procedures on Inspection of a Licensed Facility or a Transport Unit

Procedure
for
inspection
of licensed
facility,
lubricant
shop or
transport
unit

51.-(1) An inspector may, at any time, inspect a licensed facility, lubricant shop, transport unit or any document related to the conduct of a licensed activity to ensure compliance with applicable law.

(2) An operator shall render all necessary assistance to facilitate any inspection of its licensed facility, lubricant shop or transport unit pursuant to subrule (1).

(3) During inspection, an inspector may-

- (a) take a sample of any lubricant; or
- (b) make a copy or take an extract from any book, data base, account or record kept at the licensed

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facility, lubricant shop, transport unit or any other place.

(4) An inspector may, during the course of an inspection, break any seal for the purpose of taking a sample, provided, however, that such inspector shall thereafter affix the Authority's seal.

(5) The Authority may seek the assistance of law enforcement authorities, including the police force, in carrying out an investigation, inspection or impoundment of a transport unit.

Offence

52. Any person who contravenes the provisions of rule 51 (2) commits an offence and shall upon conviction be liable to a fine of not less than twenty million Tanzania shillings or imprisonment for a period of not less than three years or both.

Sub-Part IV

Procedures on Impoundment of a Transport Unit

Procedures
for
impounding
transport
unit

53.-(1) An inspector may impound any transport unit where they determine that the lubricant brand found is not registered by the Authority for use in Mainland Tanzania.

(2) The Authority shall carry out stock taking of the non-registered lubricant brand found under subrule (1) and the stocktaking shall be witnessed by the operator.

(3) The Authority shall affix its seal on any transport unit after impounding it and no person shall offload any lubricant from such transport unit without prior authorization of the Authority.

(4) The Authority may seek the assistance of law enforcement authorities, including the police force, in impounding a transport unit.

without prejudice to the penalties spelt out in these Rules and the Act, where the Authority has impounded

(5) After the Authority has impounded a transport unit pursuant to subrule (1) it shall without prejudice to the penalties spelt out in these Rules and the Act, order the operator to dispose such products in accordance with Best

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International Petroleum Industry Practices and environmental laws.

(6) Possession of a brand of a lubricant that has not been registered with the Authority shall raise a presumption that such lubricant is non-conforming.

Release of impounded transport unit

54. A transport unit which has been impounded under the provisions of rule 53(1) shall only be released upon the Authority being satisfied that-

- (a) the non-conforming a lubricant therein have been disposed of in accordance with Petroleum Industry Best Practices and environmental laws;
- (b) the operator has paid the appropriate fine pursuant to these Rules; and
- (c) the Authority has issued an order in writing for the release of such unit.

Exemption from liability

55. Notwithstanding the provisions of rules 53 and 54 the Authority is exempted from any liability arising from the impoundment of any transport unit, and all the costs associated with the impoundment and safe keeping of such transport unit shall be borne by an operator.

Sub-Part V

Penalties for Non-Conforming Products

Penalties for non-conforming products

56.-(1) Any operator found with non-conforming petroleum product shall be liable upon conviction to a fine-

- (a) for a wholesaler with blending plant, ten million Tanzania shillings or imprisonment for a term of not less than three years or both;
- (b) for a wholesaler, seven million Tanzania shillings or imprisonment for a term of not less than three years or both;
- (c) for a distributor, six million Tanzania shillings or imprisonment for a term of not less than three years or both; and
- (d) for retailer, five million Tanzania shillings or imprisonment for a term of not less than three

years or both

(2) Without prejudice to the penalty prescribed in subrule (1), the Authority may, in the event of non-conforming, order the operator found with such products to-

- (a) stop the operator from transferring the lubricant to another operator, selling or offering for sale the non-conforming product;
- (b) order the operator, under the supervision of the Authority, to dispose of the non-conforming product in accordance with Best International Petroleum Industry Practices and environmental laws; and
- (c) order the operator to compensate any person who has lodged and proved a complaint for any damage caused by such non-conforming lubricant.

(3) The Authority may seek the assistance of other authorities, including the police force, in the process of disposing off a non-conforming product under subrule (1).

(4) Notwithstanding the provisions of subrule (1) and (2) the Authority shall revoke a licence of any habitual offender.

Licensed
facility that
has its
licence
revoked

57. Any licensed facility of which a licence has been revoked pursuant to rule 64 (4) shall remain closed and not be eligible for issuance of a licence for a period of twelve months from the date of revocation.

Temporary
closure of
facility or
impounding
of transport
unit

58. The Authority may, upon taking a lubricant sample pursuant to these Rules, order the temporary closure of the licensed facility or part thereof, or impound a transport unit pending release of the test results of the samples taken where-

- (a) the Authority determines that continuing the operations of a licensed facility or the transport unit will pose an imminent risk of injury to life or damage to property and the environment;
- (b) the Authority finds that several complaints have been filed with the Authority against the same operator;

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- (c) the Authority has obtained provisional results indicating that the tested lubricant is non-conforming; or
- (d) the operator admits that the sample lubricant is non-conforming.

Reference to
TRA and
other
Government
Institutions

59. Notwithstanding the provisions of these Rules and any other penalties prescribed in the Act, the Authority shall refer to TRA or any other relevant authority any person found with non-conforming lubricant where it believes that there were attempts by such person to defraud the Government of its revenue.

Sub-Part VI

Disposal of a Non-Conforming Products

Disposal of
non-
conforming
products

60.-(1) An operator whose product has been disposed of pursuant to rule 57 (2)(b) shall in addition, be liable to pay the appropriate fine pursuant to these Rules within 7 days of the product being disposed off.

(2) Where the operator fails to pay the fine pursuant to subrule (1) shall have its licenced facility, transport unit or lubricant shop as appropriate, closed until the fine is paid in full and the Authority has issued an order in writing for re-opening.

Penalties for
tampering,
cutting seals
and tapes or
removing
any signage
to licensed
facility or
transport
unit

61. Any person who-

- (a) tampers with a non-conforming product barred by the Authority pursuant to rule 57 (1) (a); or
- (b) removes any signage affixed by the Authority at a licensed facility, lubricant shop or a transport unit

commits an offence and shall on conviction be liable to a fine of two million Tanzania shillings or imprisonment for a term not more than three years, or both.

**PART VIII
COMPLIANCE AND ENFORCEMENT**

Inspection
of licensed
facility

62.-(1) The Authority may, at any time, inspect a licensed facility, transport unit or a lubricant shop pursuant to these Rules and applicable law.

(2) The Authority may inspect a licensed facility, equipment or documents, and an operator, shall render such assistance to inspectors as may be required in the course of such inspection.

(3) Notwithstanding the generality of subrule (2) an inspector may, with an order in hand, enter upon any lubricant shop for the purpose of conducting an inspection.

(4) During inspection, an inspector may-

- (a) take samples of any substance or equipment or articles stored in a licensed facility or a lubricant shop;
- (b) make copies or take extracts from any book, accounts or records kept on a licensed facility or a lubricant shop;
- (c) inspect machinery, equipment, appliances, meters, fittings and apparatus; and
- (d) inspect any transport unit that is found at a licensed facility or a lubricant shop.

Notification
of offences
Cap. 414

63.-(1) At the conclusion of an inspection and where it is found that there was violation of the provisions of the Act, EWURA Act and these Rules, the person responsible for such violation, shall-

- (a) where he disputes the offence, fill in Part A of the Notification of the Offence Form prescribed in the Third Schedule; or
- (b) where he admits the offence, fill in Part B of the Notification of the Offences Form prescribed in the Third Schedule.

(2) Any person who has been found in violation of the law and who has admitted to the offence under the provision of subrule 1(a), shall, within fourteen days, from the day of the said admission, be required to pay the fine

prescribed by the Authority.

(3) Any person who has been found in violation of the law and who disputes the offence under the provision of subrule 1(b), shall, within seven days from the date of commission of the offence, be required to answer the charges in writing.

(4) Upon the conclusion of the inspection and where the inspector is satisfied that the continued operation of the transport unit or a facility poses an imminent danger to the lives of people and animals or destruction of property, he may proceed to order for the closure or impoundment, as the case may be, of the said facility or transport unit regardless of whether the said person has admitted to the offence or not.

(5) Notwithstanding the provisions of subrule (4), an inspector who has decided to close a facility or to impound a transport unit, shall note down the reasons which have compelled him to take such decision including all the available evidences.

Offence

64. Any person who refuses to sign the Notification of Offence Form upon being required by an inspector under rule 70 (1), commits an offence and shall upon conviction be liable to a fine not less than five million Tanzania shillings or imprisonment for a term not less than three years or both.

Issuance of
compliance
orders

65.-(1) The Authority may, while discharging its regulatory functions and where it finds that there is a continued violation of the provisions of the Act, the EWURA Act and the provisions of these Rules, issue a Compliance Order to the person responsible for such violation.

(2) An inspector may, while discharging his obligation under subrule (1), seek the assistance of law enforcement institutions including the police and such institution shall provide the requested assistance to the inspector.

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Obligations
of inspector
during
inspection

66.-(1) During inspection an inspector shall be required to do the following-

- (a) identify himself to a licensee or customer with an identity card issued by the Authority;
- (b) explain to a licensee or customer the purpose of the inspection;
- (c) conduct himself with fairness, objectivity and integrity;
- (d) not engage in any form of discrimination, bias or harassment;
- (e) refrain from taking part in a duty that has or may appear to have a conflict of interest;
- (f) carry out inspection in a professional manner in accordance with the requirements of these Rules, codes, guidelines, inspection checklist, standards, applicable laws and Best International Petroleum Industry Practices ; and
- (g) not use force or abusive, threatening and insulting language to a supplier.

(2) Any inspector who contravenes the provision of subrule (1) shall be dealt with in accordance with the Authority's procedures.

(3) Any person aggrieved by an act of an inspector during inspection may, within fourteen days from the date of the act, report the matter in writing to the Authority.

Prohibited
acts against
inspectors

67.-(1) A supplier shall not-

- (a) hinder or obstruct an inspector in the exercise of any of the powers conferred upon him under these Rules;
- (b) use abusive, threatening or insulting language to an inspector;
- (c) deny or fail to comply with a requirement, direction or notice of an inspector; and
- (d) when required by an inspector to answer a question, deny or fail to answer such question to the best of his knowledge, information and belief.

(2) Any person who contravenes the provision of subrule (1) commits an offence and shall, on conviction, be

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liable, to a fine of five million shillings or to imprisonment for a term not exceeding two years or both.

Decommissioning
procedure

68.-(1) A licensed facility may, subject to the provisions of this rule, be decommissioned-

- (a) after receipt of a written application for decommissioning from a LOB;
- (b) by an order of the Authority where it is satisfied that such facility has been abandoned by its licensee for a period not less than three months; or
- (c) by an order of the Authority that the same be decommissioned after the Authority is satisfied that the continued operation of such facility poses danger to lives and property.

(2) A wholesaler with lubricant blending plant shall in the event that it seeks to decommission a licensed facility, notify the Authority not less than thirty days prior to such decommissioning in order to enable the Authority to make necessary inspections and issue necessary approvals.

(3) Notwithstanding any provision of these Rules, a LOB shall pay all costs associated with the decommissioning of a licensed facility, whether such decommissioning has been done following the request by the LOB or by order of the Authority, as the case may be.

Site
restoration

69.-(1) A LOB shall, prior to decommissioning a licensed facility, restore the licensed facility to its original state so that it may not pose a threat to the environment or the safety and health of the public.

(2) The Authority shall, upon completion of the restoration of a licensed facility to its original state by a LOB, issue a Certificate of Compliance to a LOB confirming such restoration.

(3) For the purposes of sub- rule (1) “restore to its original state” means-

- (a) to return the area in which a licensed facility is located to its original and natural state as it was before the construction and installation of the licensed facility; or

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(b) to render the area in which the licensed facility is located, or part thereof, compatible with its intended after-use, including-

- (i) removing buildings, structures, plant and debris;
- (ii) establishing compatible contours and drainage;
- (iii) replacing top soil, re-vegetation, slope stabilisation; and
- (iv) in filling of excavations.

(4) The Authority shall, before issuing a Certificate of Compliance under subrule (2), consult the National Environmental Management Council.

PART IX GENERAL PROVISIONS

Appeal
Cap. 285

70. Any person who aggrieved by the decision of the Authority under rule 6, 8, 16, 21 or 22 may lodge an appeal to the Tribunal pursuant to the provisions of the Fair Competition Act.

Revocation
GN No.
50 of 2020

71.-(1) The Petroleum (Lubricant Operations) Rules, 2020 are hereby revoked.

(2) Notwithstanding the revocation of the Petroleum (Lubricant Operations) Rules, 2020, all orders, exemptions or directives made or issued or deemed to have been made or issued under those Rules shall be deemed to have been made under these Rules, and shall remain in force until revoked or otherwise expire or cease to have effect.

Authority to
supplement
procedures
Cap. 414

72. Where procedures are not provided for in these Rules, the Authority may do whatever is necessary and permitted by the Act, the EWURA Act and applicable law to enable it to effectively and completely adjudicate on any matter before it.

FIRST SCHEDULE

(Made under rule 4(2))

LUBRICANT BLENDING CONSTRUCTION APPROVAL

For EWURA Use Only	
Date Received:	File Number:
Time Received:	Received by:

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name), business address, telephone and fax numbers (a) Name of the applicant:..... (b) Business address: Street.....Plot No..... Block No.....Building No..... (c) Postal Address: (d) Telephone No: (e) Facsimile:Cell Phone..... (f) E-Mail:
2.	Location and complete address of the proposed facility (a) Location: Street.....Plot No..... Block No.....Building No..... (b) Postal Address:
3.	Legal status of the Applicant: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Public Limited Liability Company <input type="checkbox"/> Private Limited Liability Company <input type="checkbox"/> Parastatal Organization <input type="checkbox"/> Government Agency <input type="checkbox"/> Cooperative Society <input type="checkbox"/> Joint Venture

Petroleum (Lubricant Operations)

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	<input type="checkbox"/> Other (specify)..... (please attach the relevant document including TIN No.)
4.	<p>Contact Person:</p> <p>(a) Name:</p> <p>(b) Title:</p> <p>(c) Physical address: Street.....Plot No.....Block No..... Building No.....</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>
5.	<p>Provide on a Separate Sheet Information Related to the Applicant where applicable:</p> <p><input type="checkbox"/> Shareholding arrangements</p> <p><input type="checkbox"/> Director(s)</p> <p><input type="checkbox"/> Members of the Board of Directors</p> <p><input type="checkbox"/> Chief Executive Officer (where applicable)</p>
6.	<p>If the applicant is in a Joint Venture with another entity, provide the following details:</p> <p>(a) Name:</p> <p>(b) Title:</p> <p>(c) Physical address: Street.....Plot No.....Block No..... Building No.....</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>
7.	<p>Fee amount and method of payment:</p> <p>(a) Amount: TZS.....</p> <p>(b) Mode: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Other (specify).....</p> <p>(c) Fees Payment Receipt No. (Attach Copy).....</p>
PART II- LIST OF ENCLOSURES	
8.	<p>Please attach your application with the following documents and indicate them where necessary;</p> <p><input type="checkbox"/> Copy of Application Fee Receipt</p> <p><input type="checkbox"/> Extracts of the Certified Audited Accounts/ Financial statement</p>

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	<input type="checkbox"/> Approvals and Consents by relevant authorities <input type="checkbox"/> Building Permit <input type="checkbox"/> Proof of possession on use of land <input type="checkbox"/> Environmental Impact assessment <input type="checkbox"/> Engineering layout plan duly signed by a registered engineer <input type="checkbox"/> Other (Specify)..... <p>NB: Engineering drawings duly signed by a registered engineer shall specify the following:</p> <ul style="list-style-type: none"> (a) the number of tanks and loading gantries; (b) the location and distances between building structures and facilities and equipment; (c) entry and exit; (d) perimeter wall and property boundaries; (e) location and identification of loading gantries; and (f) that the engineering and design has been done in accordance with approved specifications
PART III – DECLARATION BY THE APPLICANT	

GN. No.115 (contd.)

9.	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the applicant and that to the best of my knowledge the information supplied herein is correct and that within a reasonable period of time after notice, I undertake to provide whatever additional information EWURA may require in order to evaluate this application.</p> <p>SWORN/AFFIRMED at..... by the said.....who is identified to me by...../known to me personally the latter being known to me personally this DECLARANT day of20...</p> <p>BEFORE ME:</p> <p style="text-align: center;">_____ COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>
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Petroleum (Lubricant Operations)

GN. No.115 (contd.)

FORMS FOR LICENCE APPLICATION

(Made under rule 14(1))

LUBRICANT WHOLESALE LICENCE

For EWURA Use Only	
Date Received:	File Number:

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)
2.	Registration Status: <i>(Fill Where Appropriate)</i> (a) Certificate of Incorporation No..... (b) Memorandum and Articles of Association (where applicable) (c) Business license No..... (d) TIN No. (e) VAT No..... .
3.	Physical and postal Address of the retail outlet: (a) Physical address: Street.....Plot No..... Block No.....Building No..... (a) Postal Address: (b) Telephone No: (c) Facsimile:Cell Phone..... (d) E-Mail:
4.	Legal status of the Applicant: <input type="checkbox"/> Sole Proprietorship

Petroleum (Lubricant Operations)

GN. No.115 (contd.)

	<input type="checkbox"/> Partnership <input type="checkbox"/> Public Limited Liability Company <input type="checkbox"/> Private Limited Liability Company <input type="checkbox"/> Parastatal Organization <input type="checkbox"/> Government Agency <input type="checkbox"/> Cooperative Society <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other (specify).....
5.	Contact Person: (a) Name: (b) Title: (c) Physical address: Street.....Plot No.....Block No..... Building No.....: (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Application Fee and Method of Payment: (a) Amount: TZS..... (b) Mode: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Other (specify)..... (c) Fees Payment Receipt No. (<i>Attach Copy</i>).....
PART II – ENCOLOSURE	
7.	Attach the following documents/ permits issued by relevant authorities(where appropriate) : <input type="checkbox"/> Business license <input type="checkbox"/> Proof of ownership or lease of the warehouse (the proof should include an emergency exit, sufficient ventilation, spillage containment and adequate fire fighting equipment) <input type="checkbox"/> Oil and Lubricant handling permit <input type="checkbox"/> adequate skilled personnel (personnel's profile) <input type="checkbox"/> proof of financial capability being either previous year's audited financial statements showing an annual gross turnover of not less than Two hundred million Tanzania Shillings or a bank statement showing a credit balance of not less than two hundred million Tanzania Shillings or a bank guarantee or a credit facility of not less than two hundred million Tanzania Shillings or an unequivocal letter of comfort from a financial institution or a bank that confirms that the bank or the financial institution shall extend a loan to the applicant for the amount not less than two hundred million Tanzania Shillings <input type="checkbox"/> OSHA certificate <input type="checkbox"/> Business plan <input type="checkbox"/> Memoranda of understanding (if any) governing commercial transactions of regulated goods and services. <input type="checkbox"/> Duly filled integrity pledge form

GN. No.115 (contd.)

	<input type="checkbox"/> Any other.
PART III – DECLARATION BY THE APPLICANT	
8.	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the applicant (<i>insert the name of the applicant.....</i>). I further declare that to the best of my knowledge the information supplied herein are correct.</p> <p>SWORN/AFFIRMED at..... by the said.....who is identified to me by...../known to me personally the latter being known to me personally this DECLARANT day of20...</p> <p>BEFORE ME:</p> <p>_____ COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>

Petroleum (Lubricant Operations)

GN. No.115 (contd.)

LUBRICANT DISTRIBUTION LICENCE

(Made under rule 14(1))

for EWURA Use Only

Date Received:

File Number:

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)
2.	Registration Status: <i>(Fill Where Appropriate)</i> (a) Certificate of Incorporation No..... (b) Memorandum and Articles of Association (where applicable) (c) Business license No..... (d) TIN No. (e) VAT No.....
3.	Physical and postal Address of the retail outlet: (a) Physical address: Street.....Plot No..... Block No.....Building No..... (a) Postal Address: (b) Telephone No: (c) Facsimile:Cell Phone..... (d) E-Mail:
4.	Legal status of the Applicant: <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Public Limited Liability Company <input type="checkbox"/> Private Limited Liability Company <input type="checkbox"/> Parastatal Organization <input type="checkbox"/> Government Agency <input type="checkbox"/> Cooperative Society <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other (specify)..... <i>(Attach relevant document including TIN No.)</i>
5.	Contact Person:

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GN. No.115 (contd.)

	(a) Name: (b) Title: (c) Physical address: Street.....Plot No.....Block No..... Building No.....: (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Application Fee and Method of Payment: (a) Amount: TZS..... (b) Mode: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Other (specify)..... (c) Fees Payment Receipt No. (<i>Attach Copy</i>).....
PART II – ENCOLOSURE	
7.	Attach the following documents/ permits issued by relevant authorities(where appropriate) : <input type="checkbox"/> Business license <input type="checkbox"/> Certificate of incorporation <input type="checkbox"/> Certificate of Compliance <input type="checkbox"/> Memorandum and Article of Association <input type="checkbox"/> TIN certificate. <input type="checkbox"/> VAT Certificate <input type="checkbox"/> adequate skilled personnel (personnel’s profile <input type="checkbox"/> OSHA certificate <input type="checkbox"/> Memorandum of understanding (if any) governing commercial transactions of regulated goods and services. <input type="checkbox"/> Duly filled integrity pledge form <input type="checkbox"/> Any other.
PART III – DECLARATION BY THE APPLICANT	
8.	I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the applicant (<i>insert the name of the applicant.....</i>). I further declare that to the best of my knowledge the information supplied herein are correct. SWORN/AFFIRMED at..... by the said.....who is identified to me by...../known to me personally the latter being known to me personally thisday of20... BEFORE ME:

DECLARANT }

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	<p>COMMISSIONER FOR OATHS</p> <p>NOTE:</p> <p>If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the EWURA Headquarter office or at Zonal Offices</p>
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Form 2D

APPLICATION TO TRANSFER A LICENCE
(Made under Rule 18(2))

This section to be completed by the Current Licensee			
		Current Licensee to complete as appropriate	
Current Licensee's name			
Name and address of the Transferor			
Reason for Transfer (attach documentary proof)			
Address of the Licensed Facility			
		Postcode	Tel No.
		Email	
Licence Particulars		Type of Licence:	
		Licence No:	
		Licence Duration:	
		Expiry Date:	
I agree to the Licence being transferred to the applicant(s) below:			
Name and physical Address of the Transferee :		Date:	

GN. No.115 (contd.)

Business Organisation (Sole proprietor, Company, Partnership)		Position:	
Principal Officer (only if the transferee is a company or partnership)		Date:	Company Seal
		Signature:	
Names of Partners or Shareholders		1.	
		2.	
		3.	
		4.	
		5.	
		6.	
		7.	

This section to be completed by the Applicant(s)	
<p>1. I the undersigned, being the new occupier of the premises detailed in the application, hereby apply for the transfer of the current licence and I hereby declare that the information stated herein in regard to the transferee are true to the best of my knowledge.</p> <p>2. In the event of a licence being transferred:</p> <p>(a) I agree to abide by the conditions laid down by EWURA and applicable laws, and not to alter in any way the approved arrangements of the premises without the written approval of EWURA, nor use the said premises for any other purpose than those prevailing at the time the licence is transferred;</p> <p>(b) the licence shall have the like effect in all respects as if no transfer had been made; and</p> <p>(c) all duties and responsibilities that were to be fulfilled by the transferor are automatically shift to the transferee as if no transfer was made.</p>	
Date	
Signe	Position:

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GN. No.115 (contd.)

d:			
Print Name			

Ownership of the site comprising the licensed facility. If the transferor is not the owner of the site (i.e. a tenant), enter below the name and address of the owner or owners, as the case may be:			
Details	Transferor to complete if applicable		
Name (of owner)			
Addresses:			
Post Code		Tel No.	
Email			

Fee TZS	Payable to EWURA Account through control No. to be provided by EWURA.	
Notes			
<ol style="list-style-type: none">1. The applicant(s), (if an individual person or partnership) must be over 18 years of age.2. By signing the form both the transferee and transferor declare that they are authorized to make this application and that the information supplied there herein is correct.3. This application together with the appropriate fee, should be forwarded to the Director General, EWURA at 4TH Floor, PSSSF House, Makole Road, P.O Box 2758, Dodoma.			

The application should be attached with the following documents:- <ol style="list-style-type: none">1. The original copy of a valid EWURA licence in respect of the licensed
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GN. No.115 (contd.)

facility; 2. Certified copy of tax Clearance in respect of the licensed facility; 3. Lease/ Sale agreement stamp duty paid; 4. Company Registration documents; 5. In case the type of transfer if by death or order of the Court the Applicant will be required to submit the supporting documents. 6. Proof of payment of transfer application fee; and 7. Any other document that will be required at the time of transfer
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Form 2E

APPLICATION FOR RENEWAL OF A LICENCE
(Made under rule 21(2))

For EWURA Use Only	
Date Received:	File Number:

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)
2.	Registration Status: <i>(Fill Where Appropriate)</i> (a) Certificate of Incorporation No..... (b) Certificate of Compliance No..... (c) Business license No..... (d) TIN No. (e) VAT No.....
3.	Address of retail outlet: (a) Physical address: Street.....Plot No..... Block No.....Building No..... (b) Postal Address: (c) Telephone No: (d) Facsimile:Cell Phone..... (e) E-Mail:

Petroleum (Lubricant Operations)

GN. No.115 (contd.)

4.	Legal status of the Applicant: Sole Proprietorship Partnership Public Limited Liability Company Private Limited Liability Company Parastatal Organization Government Agency Cooperative Society Joint Venture Other (specify).....
5.	Contact Person: (a) Name: (b) Title: (c) Physical address: Street.....Plot No.....Block No..... Building No..... (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cell phone: (g) E-mail:
6.	Details of the Current Licence Type of a licence:..... Licence No. Date Issued..... Expiry Date.....
7.	Has the licensee undergone any material changes (structural, legal, managerial or related to the services supplied) since its previous application? Yes – If yes, provide details..... (Use additional Sheet if Necessary)
8.	Application Fee and method of payment: (a) Amount: TZS..... (b) Mode: Cash Cheque Other (specify)..... (c) Fees Payment Receipt No. (Attach Copy).....
PART II – DECLARATION BY THE APPLICANT	

GN. No.115 (contd.)

	<p>I..... (insert name) being..... (insert title/position) hereby declare that I am authorized to make this application on behalf of the applicant and that to the best of my knowledge the information supplied herein is correct and that within a reasonable period of time after notice, I undertake to provide whatever additional information EWURA may require in order to evaluate this application.</p> <p>ORN/AFFIRMED at.....) he said.....who is identified to) by...../known to me personally) latter being known to me personally this) DECLARANT day of20....)</p> <p>BEFORE ME:</p> <p>_____ COMMISSIONER FOR OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the</p>
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Form 3

INTEGRITY PLEDGE FOR
(Made under rule 14(2))

1. We do believe that, unethical business practices and corruption have been one of the biggest impediments to sustainable economic growth and prosperity in Tanzania and have been eroding public confidence in the Government and its institutions ability to serve its citizen fairly;
2. As a company involved in petroleum activities in Tanzania, we acknowledge our responsibility to ensure good governance because it is necessary for continued growth and business sustainability. We also acknowledge the importance of conducting our business with the highest standards of transparency, ethics and integrity;
3. While the Government and the Prevention and Combating of Corruption Bureau (PCCB) have their own initiatives for reducing corruption and other unethical practices, we realize that those initiatives cannot succeed without individual and collective commitment from business community to level the playing field and to build integrity in the business environment.
4. In view of the foregoing, we pledge the following:
 - (a) not, through any of our employees, representatives or agents, to involve in any form of bribery, corruption whether direct or indirect or unethical behavior in whatever form;
 - (b) to clearly communicate with all employees and business partners about stance on fighting all forms of bribe, corruption and other unethical behavior in whatever form;

GN. No.115 (contd.)

- (c) to maintain and share with our employees the code of conduct which will be a guide in executing our daily business operations in order to comply with high ethical standards of conduct and anti-corruption laws;
 - (d) to conduct regular training on anti-bribery and anti-corruption to our employees and business partners in order to ensure that they are updated and knowledgeable of the Company's policy in implementing this pledge;
 - (e) to conduct integrity risk assessment that will help to identify corruption risks inherent in business operations and apply effective measures;
 - (f) to maintain appropriate financial reporting mechanisms that are accurate and transparent;
 - (g) to enter into integrity pacts with business partners and government agencies when dealing with procedures related to the bidding and procurement of supplies, materials, equipment, and construction;
 - (h) to maintain channels by which employees and other stakeholders can raise ethical concerns and report suspicious circumstances in confidence without risk of reprisal, and a designated officer will be tasked with investigating all reports received and taking appropriate action;
 - (i) to refrain from engaging in business with parties who have demonstrated unethical business practices;
 - (j) not to engage in any arrangements that undermines or is prejudicial to the national security; and
 - (k) to maintain a proper insurance cover against losses, injuries or damage to environmental, communities, individual and properties that may be occasioned in the course of carrying business.
5. To ensure collective action in preventing any unethical and corrupt behavior and the highest standards of ethics, integrity and transparent in business transactions in Tanzania, we commit to:
- (a) support a nationwide initiative intended to create fair market conditions, transparency in business transactions, and ensure good corporate governance;
 - (b) participate in roundtable discussions, meetings, and forum to identify the key concerns and current problems affecting the private sectors related to integrity and transparency in business transactions;
 - (c) share the international best practices, tools and concepts which are intended to be used by all participating entities to achieve the goals of the nationwide integrity behavior initiative;
 - (d) participate in the creation of key measures and control activities intended to ensure transparency, integrity and ethical business practice;
 - (e) support the development of an audit and certification program (including a training program for advisers and auditors) that will offer a toolbox for enterprises to introduce and implement ethical practices in their business processes; and institutionalize the whole process to promote sustainability of the integrity initiative.
6. To confirm our commitment to this pledge, we hereby commit ourselves as a company and individuals to be bound in all aspects by this integrity pledge and shall

GN. No.115 (contd.)

be responsible for all the consequences which may result to non-compliance to this pledge.

7. To fight any form of corruption practices whereby zero tolerance action will be taken against any employee, staff or other person involved in corruption in relation to the business, regardless of position and status;

8. To report any corrupt or unethical practices that occur in the business place to the appropriate Authority;

9. We shall also ensure that our employees and agents comply with this pledge and in any event of non-compliance we commit ourselves to be responsible for their action.

Signed by for and on behalf of

..... this day

of 20.....

Signature

Designation:.....

Witness

Name:.....

Signature:.....

Designation:.....

GN. No.115 (contd.)

SECOND SCHEDULE

(Made under rule 41(3))

LUBRICANT REGISTRATION APPLICATION FORM

1. COMPANY DETAILS

NAME OF THE COMPANY:

PLOT NO. BLOCK: STREET/VILLAGE: ...
DISTRICT..... REGION:
EWURA LUBRICANT WHOLESALE LICENCE DATE OF ISSUE.....
NO.....

2. LUBRICANT DETAILS

Provide the lubricant details in the below format and attach the list with this form as Ar enclosures for each type of lubricant

S/No	Lubricant Name	Lubricant Type (e.g. Gear Oil, Engine Oil)	Lubricant Performance Level (API CF, GL-4, ISO)	Lubricant Brand	

Required enclosures;

- (i) For each brand attach a proof of brand ownership or a consent from brand ow
- (ii) Attach proof of certification by
 - certification body such as API, NLGI, ACEA for each type of lubrica
 - proof of certification of the additive supplier (additive manufacture).
- (iii) Attach certified copy of TBS licence for each lubricant (for locally blended lubric

3. DECLARATION

I (Insert name) being..... (insert title/position) hereby declare that the information submitted herein is correct to the best of my knowledge and I undertake to take responsibility in case the information submitted is incorrect.

Petroleum (Lubricant Operations)

GN. No.115 (contd.)

SWORN/AFFIRMED at.....by the said
..... who is identified to me by
...../known to me personally the latter being known to
me personally thisday of20....

BEFORE ME:

COMMISSIONER FOR OATHS

DECLARANT

THIRD SCHEDULE

FORM NO. 1

(Made under rule 43)

SAMPLE COLLECTION FORM

DATE: TIME:

NAME OF THE SUPPLYING COMPANY/DEALER:

RESSELLER'S OUTLET/LUBRICANT DEALER NAME:				
PLOT NO.	BLOCK:	STREET/VILLAGE:.....		
DISTRICT.....		REGION:		
LUBRICANT NAME (TYPE e.g. Engine oil):				
SAMPLE NO:BATCH NO:				

OPERATOR(S) (NAMES):

SIGNATURE:

1.
2.

.....
.....

INSPECTOR(S) (NAMES):

SIGNATURE:

GN. No.115 (contd.)

1.
2.

REMARKS BY THE INSPECTOR (S)

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

(Made under rule 63(1))

NOTIFICATION OF OFFENCE

(LUBRICANT WHOLESALE BUSINESS/LUBRICANT DISTRIBUTION
BUSINESS/LUBRICANT RETAIL BUSINESS)

To.....

Address.....

1. You are charged with the following offence (s):
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
2. If you WISH to admit commission of the offence (s) you should complete "PART B" below and send this notification, together with the statutory penalty for each offence to which you admit, to the Authority within fourteen days from the date of service of this notification.
3. If you DO NOT WISH to admit to have committed the offence (s) you are required to complete "PART A" below and send this notification to the Director General of the Authority together with answers, in writing, to the charges mentioned above, within seven days from the date of service of this notification.
4. Penalty for each offence mentioned above shall be as provided for under the Petroleum Act, Cap. 392, the EWURA Act, Cap. 414 or any other laws relevant to the conduct of the Petroleum Wholesale Business.

PART "A"- NOTIFICATION OF INTENTION TO ANSWER CHARGES

I of..... residential or
business address) being the (owner/director/manager/representative)

GN. No.115 (contd.)

of.....

..... intend to respond to the Authority/ Court of Law on the charge (s)

Nos..... set out in Paragraph 1 of this Notification.

Signature:Date:

PART “B”- ADMISSION OF OFFENCE

I of residential

or business address) being the (owner/director/manager/representative)

of..... plead guilty to the

charge (s) Nos.....set out in Paragraph 1 of this Notification and

I undertake to pay the requisite fine of TZS..... within a period of

fourteen days from the date hereof.

Signature:

Date:

FACILITY/VEHICLE/VESSEL DETAILS

ISSUED BY

Motor Vehicle Reg. No.....

Name:

PLWL/PLRL/ No.

Designation:

Vessel Registration No.

Date:

Signature of the person issued with the notification

Signature of the Inspector

.....

.....

Dodoma,
22nd February, 2022

GODFREY H. CHIBULUNJE,
Director General