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THE PETROLEUM ACT,
(CAP .392)

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RULE
—————

(Made under section 259 (1))
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THE PETROLEUM (LIQUEFIED PETROLEUM GAS OPERATIONS) RULES, 2018

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THE PETROLEUM ACT,
(CAP. 392)

RULE

(Made under section 259(1))

THE PETROLEUM (LIQUEFIED PETROLEUM GAS OPERATIONS)
RULES, 2018

PART I
PRELIMINARY PROVISIONS

- Citation These Rules may be cited as the Petroleum (Liquefied Petroleum Gas Operations) Rules, 2018.
- Application 2. These Rules shall regulate the activities related to Liquefied Petroleum Gas wholesale business, Liquefied Petroleum Gas distribution business and Liquefied Petroleum Gas retail business.
- 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, regulations, rules, orders or a by-laws that are customarily treated in Tanzania as having legally binding force in matters pertaining to regulation of Liquefied Petroleum Gas;
 “approved specification” means any specification or standard in relation to a petroleum product applied by the Authority and as approved pursuant to the Standards Act, and any other standards that are widely used for Petroleum Industry Best Practices;
- Cap. 130 “Authority” means the Energy and Water Utilities Regulatory Authority established under the provisions of the
- Cap. 414 “bulk customer” means a customer buying or who has a contract with a wholesaler or super dealer to be supplied with

- Liquefied Petroleum Gas in bulk quantity;
“bulk quantity” means a single container of Liquefied Petroleum Gas of not less than 250 kg;
- Cap.245 “certification authority” means the Weights and Measures Agency established under the provisions of the Executive Agencies Act;
- Cap. 414 “compliance order” means an order issued by the Authority pursuant to section 39 of the EWURA Act;
“customer” means any person who is supplied with LPG on retail basis;
- “cylinder” means any portable or stationary pressure container, together with all of its permanent supports and attachments installed for the storage and handling of LPG;
- “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;
- “dealer” means any person conducting LPG retail business and for the purpose of these Rules shall be deemed as an agent of a super dealer;
- “dealership agreement” means the contractual arrangement that establishes, *inter alia*, an exclusive relationship between a wholesaler and a super dealer or between a super dealer and a dealer with respect to the purchase and sale of LPG as prescribed under rule 34 (4);
- “distinguishing colour and mark” means a colour, features, pattern, brand name and trademark applied on the cylinder that can clearly differentiate between the cylinders of owned by different wholesalers;
- Cap. 414 “refill” means transfer of LPG from one cylinder to another;
“EWURA Act” means the Energy and Water Utilities Regulatory Authority Act;
- “facility” includes the buildings, cylinders, storage tanks and parking areas, associated equipment and accessories used to conduct a regulated activity;
- Cap 427 “fire safety certificate” means safety certificate issued by the Fire and Rescue Authority pursuant to the Fire and Rescue Forces Act;
- “petroleum industry best practises” means any conduct related to

a petroleum product intended to preserve product quality and meeting generally accepted health, safety and environmental requirements;

“hazardous waste” means any petroleum product that by reason of any of its physical, chemical, reactive, toxic, flammable, explosive or corrosive characteristics causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or substances;

“incident” means:

- (a) an event that involves the leakage of a petroleum product from a transport unit or a spill of a petroleum product resulting from the dispensing or offloading activities;
- (b) death or personal injury occurring as a result of the conduct of a regulated activity or LPG retail business;
- (c) a fire or an event incidental to a fire resulting from the conduct of a regulated activity or LPG retail business;
or
- (d) any other significant event that may adversely affect the conduct of a regulated activity or LPG 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;

“leak” means the discharge of LPG into the air or into any structure or thing;

“licence” means an authorization issued by the Authority to conduct a regulated activity pursuant to these Rules;

“licensee” means a holder of a licence;

“licence fee” means a fee payable by a licensee as shall be prescribed by the Authority;

“Liquefied Petroleum Gas” or in its acronym “LPG” means any material having a vapour pressure not exceeding that allowed for commercial propane and composed predominantly of the following hydrocarbons, either by themselves or as mixtures, propane, propylene, butane and butylene;

“LPG distribution business” means the storing, handling, filling, re-filling or selling of LPG to a dealer or bulk customer;

“LPG (Distribution and Retail Business) Operational Guidelines”

- means the manual prepared by the Authority with instructions on how LPG distribution and retail business is to be conducted;
- “LPG retail business” means an activity necessary for storing, handling and selling LPG to a customer through a retail outlet;
- “LPG wholesale business” means an activity necessary for the importation, supplying, filling, re-filling or selling of LPG in bulk quantity to a super dealer or a bulk customer;
- “Minister” means the minister responsible for petroleum affairs;
- “Notification of Offence” means the notification prescribed in the First Schedule;
- “operator” means a person who is responsible for the day-to-day activities of a facility, whether such person is located 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 relevant premises and facilities to facilitate the performance of their duties;
 - (b) detect any defect weakness within a facility and make an authoritative judgment as to its suitability for further use;
 - (c) answer questions raised by the inspectors; and
 - (d) witness the inspection process.
- “refilling centre” means a facility operated by a wholesaler or a super dealer and duly authorised by the Authority to refill LPG cylinders in terms of rule 40;
- “regulated activity” means an activity related to LPG wholesale, distribution or retail business;
- “retail outlet” means any place where LPG is sold or offered for sale to a customer on retail basis;
- “specific identification number” means a specific number designated by a wholesaler to its distributor and a distributor to its dealer;
- “super dealer” means any person who has a dealership agreement with a wholesaler and has the rights and obligations to:
- (a) store, handle and sell LPG to a dealer;
 - (b) sell LPG to a customer or a bulk customer; or
 - (c) refill LPG to a customer through a refilling center;

“supplier” means a person conducting a regulated activity in connection with LPG wholesale business or LPG distribution business;

“transport unit” means a truck, car, machinery, ship, railway wagon, barge or other means of transporting an LPG

Cap. 285

“Tribunal” means the Fair Competition Tribunal established under the provisions of the Fair Competition Act;

“wholesaler” means any person who imports, stores, handles, fills, refills and sells LPG directly to a bulk customer or a super dealer; and

PART II

APPLICATION FOR A CONSTRUCTION APPROVAL

Application for construction approval

4.-(1) A person shall not construct a facility without seeking and obtaining a construction approval from the Authority in a manner provided herein.

(2) Any person who intends to construct a facility shall apply to the Authority for a construction approval by filling in the application form to be prescribed in the Second Schedule.

(3) The application in sub-rule (1) shall be accompanied by a non-refundable application fee as prescribed by the Authority.

Offence

5. Any person who constructs a facility without seeking and obtaining a construction approval from the Authority commits an offence and shall, on conviction, be liable to a fine of not less than twenty million shillings or to imprisonment for a term of not less than three years and not more than five years or to both.

Grant of construction approval

6. - (1) The Authority shall, upon receipt of an application described in rule 4, proceed to evaluate such application and decide whether to grant or deny the application.

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

- (a) the requirements of rule 4 (2);
- (b) the requirements of land ownership and land use laws; and
- (c) health, safety and environmental requirements.

(3) The Authority shall cause the construction approval in sub-rule (1), to be published in the *Gazette*.

(4) The applicant shall, after issuance of a construction approval, be notified to collect it.

(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 and notify the applicant to collect the document of the decision.

Duration of construction approval

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

(2) The construction approval issued by the Authority under sub-rule (1) shall cease to have effect in the event the holder of the said approval fails to commence construction within twenty four months from the date of issuance of approval.

(3) The Authority may, on its own or upon receipt of an application by the holder of the construction approval, extend the duration of the construction approval for such period as it may think fit.

Notice of commencement

8. A holder of a construction approval shall issue a notice to the Authority of commencement of construction not less than thirty days prior to the start of construction.

Suspension and revocation of construction approval

9.-(1) The Authority may, by notice published in the *Gazette*, withdraw or suspend a construction approval if any of the terms and conditions thereof have not been complied with.

(2) Where the Authority intends to withdraw, suspend or amend a construction approval it shall, at least twenty-one 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 sub-rule (1) and (2), the Authority may, by notice in published 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 published in the *Gazette*, reinstate a construction approval revoked or suspended the application under sub-rule (1) if satisfied that the reasons for the revocation or suspension do no longer exist.

(5) Without prejudice to the provisions of sub-rule (2), the Authority may, pending the expiry of the notice and where there are compelling reasons to do so, order the holder of the construction approval to stop the construction work.

PART III
LICENSING PROCEDURES

Obligation to
obtain licence

10.-(1) A person shall not conduct a regulated activity without seeking and obtaining a licence from the Authority.

(2) The Authority shall issue licenses in respect of the following activities-

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

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

Power to enter
and close
facility

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

Licensing
requirements

12.-(1) No person shall be issued with an LPG wholesale licence unless his application meets the following technical and financial requirements-

- (a) possession of a storage depot and a filling plant that complies with approved specification and Petroleum Industry Best Practices or hospitality agreement with another licensee;
- (b) possession of adequate skilled personnel; and
- (c) proof of financial capability which is either-
 - (i) an audited financial statement showing annual gross turnover of not less than one billion shillings or it is equivalent in convertible currency;
 - (ii) a bank statement showing a balance of not less than one billion shillings;
 - (iii) a bank guarantee or credit facility of not less than one billion shillings; or
 - (iv) 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 one billion shillings, provided the letter shall be signed by the chief

executive officer or an authorised signatory of the institution or the bank.

(2) Notwithstanding sub rule (1) (c), if the financial capability to be relied upon is from a foreign bank or financial institution, such statement or equivocal letter or audited financial statement as the case may be shall be supported by a letter of authenticity from the ministry responsible for foreign affairs and a Tanzanian Embassy in that particular state where such company, bank or financial institution is resided.

(3) Notwithstanding the provisions of sub rule (1), an applicant may rely on the financial capability of its parent company provided that such departure is supported by a written consent or guarantee from such parent company; and

(4) A person shall not be issued with an LPG distribution licence unless his application meets the following technical and financial requirements-

- (a) possession of LPG cylinder storage area that complies with -petroleum industry best practises;
- (b) dealership agreement with a licensed wholesaler; and
- (c) possession of adequate skilled personnel.

(5) Notwithstanding the generality of sub-rule (1), the Authority may issue a licence with specific conditions to be fulfilled within a prescribed time.

Licence application

13. Any person who intends to undertake a regulated activity shall apply to the Authority for a licence by filling in the application form prescribed in the Third Schedule.

Integrity pledge and application accompanying fee

14. An application for a licence under Rule 13 shall be accompanied by a duly signed integrity pledge in the form provided in the Fourth Schedule and a non-refundable application fee as shall 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 legality of information contained a notice of the application which shall be published in a newspaper of wide circulation in Tanzania with a view to soliciting comments and representations on the application.

(2) The costs of publication of the notice under sub-rule (1) shall be borne by the Authority.

(3)The public shall be invited to submit their comments and representations within fourteen days from the date of

publication and the comments and representations received shall be considered by the Authority in arriving at the decision on the application.

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 or deny a licence, take into consideration:

- (a) the licensing requirements in rules 13 and 14;
- (b) objections or representations received from the public pursuant to rule 15;
- (c) compliance to land use laws;
- (d) distinguishing colour and mark of the cylinders;
- (e) the applicant's record of compliance with the provisions of the Act, these Rules and other applicable laws;
- (f) the compliance of a facility on matters related to-
 - (i) safety;
 - (ii) health;
 - (iii) security;
 - (iv) handling of hazardous substances; and
 - (v) environmental protection;
- (g) any other matter relevant to the orderly conduct of LPG business in Tanzania.

(3) After issuance of a licence, the applicant shall be notified to come and collect it upon payment of a licence fee.

(4) 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 wholesale and distribution licence shall be five years.

(2) A licence shall remain valid for the term stated in sub-rule (1), provided that the Authority may, on the written application of a licensee, extend the period for such further period as the Authority may determine.

(3) Notwithstanding the provisions of sub-rules (1) and (2), a licence shall cease to have effect if the respective licensee fails to conduct a regulated activity for six consecutive months after 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 in the form prescribed in the Fifth Schedule.

(3) Notwithstanding the provisions of sub-rule (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, as the case may be.

(4) A licence transfer application received by the Authority shall be evaluated to verify its completeness and legality of information contained therein and a notice of the application shall be published in at least two newspapers of wide circulation in Tanzania, one in English and another in Kiswahili with a view to soliciting comments and representations on the application.

(5) The costs for publication of the notice under sub-rule (4) shall be borne by the Authority.

(6) The public shall be invited to 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.

(7) The Authority shall, after the expiration of the notice in sub-rule (6), evaluate the application together with comments received, if any, and make a decision whether to grant or deny the application for transfer or assignment.

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 days after such change notify the Authority in writing, which shall be accompanied by a certificate for change in name issued by relevant authorities.

Change of
shareholding
structure

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

(2) The party seeking approval under sub rule (1), shall submit the following documents in support of his application-

(a) a duly signed and stamped deed of share transfer;

- (b) the current shareholding structure approved by Business Registration and Licensing Agency;
- (c) a letter of no objection from Tanzania Revenue Authority to carry on the proposed business;
- (d) a letter of clearance from the Fair Competition Commission; and
- (e) a duly signed integrity pledge specified in the Fourth Schedule.

(3) The Authority may before approving the application for change in shareholding structure in sub-rule (2), consult the Fair Competition Commission and the Tanzania Revenue Authority.

Application
for renewal of
licence

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

(2) Application for a renewal of a licence in sub-rule (1), shall be in writing by filling in an application form prescribed in the Sixth Schedule.

(3) The application in sub rule (2), shall be accompanied by;

- (a) a tax clearance certificate; and
- (b) for a LPG wholesaler, LPG importation records of the licence due to expire.

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

(5) The Authority shall not renew a licence of a licensee who has, during the term of the licence which has expired or is due to expire, ignored, resisted or wilfully neglected or failed to comply with its licence terms and conditions or any Order given by the Authority to the said licensee and such actions are not remedied until the time of determining the application.

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

Suspension or
revocation of

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

licence

- (a) violates any of the provisions of the Act or conditions attached to the licence which affects the conduct of a regulated activity;
- (b) obtains 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 authorisation 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 OBLIGATIONS OF A SUPPLIER AND A DEALER

General obligations

23. – (1) A supplier and a dealer shall-

- (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 made by the Minister where applicable;
 - (v) petroleum industry best practises; and

- (vi) Liquefied Petroleum Gas (Distribution and Retail Business) Operational Guidelines;
 - (b) not sell or offer for sale an empty or under filled cylinder;
 - (c) 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 regulated activity, LPG retail business or occurring within its 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;
 - (d) when a facility is left unattended, ensure that:
 - (i) all electrical power to the dispensing equipment is switched off; and
 - (ii) the dispensers, all cylinders and related equipment are adequately secured to prevent unauthorized access and use;
 - (e) upon request, make available to the Authority records of the regulated activity;
 - (f) ensure a distributor and a dealer use specific identification number as established in rule 23(2)(i) are conspicuously displayed at a business premise;
 - (g) maintain and make available to the Authority upon request documentary evidence that-
 - (i) all electrical equipment and installations in the premises relevant for the conduct of its regulated activity comply with existing relevant codes or legislation; and
 - (ii) areas of the premises where flammable gases or vapours may occur comply with existing relevant codes or legislation; and
 - (h) not engage in any activities that disrupt or interfere with competition.
- (2) Notwithstanding sub- rule (1), a supplier shall-
- (a) ensure that risk assessment are carried out at least once during the licence term or registration period as appropriate;
 - (b) ensure that the testing and measuring instruments used for its regulated activity are accurate and calibrated by the Certification Authority;
 - (c) ensure that a cylinder is disposed of safely and in compliance with applicable laws;

- (d) obtain and maintain a valid insurance cover in respect of all liabilities that may arise from the conduct of a regulated activity;
- (e) conduct business in such a way that-
 - (i) bulk customers and customers are treated fairly and equally; and
 - (ii) comparable services are provided to all bulk customers and customers;
- (f) 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 regulated activity;
 - (ii) if the conduct of its regulated activity would or might lead to the breach of any of these Rules or materially affect services to the customers; or
 - (iii) of any material change in circumstance that adversely affects its regulated activity;
- (g) cause the operator to be present on a facility at all times;
- (h) notify the Authority of any change of its address, name or location not later than seven days after such change;
- (i) establish and maintain up dated list of all distributors and dealers, as the case may be, that the supplier has a dealership agreement with;
- (j) assign specific identification number to its distributor and dealer as the case may be, that the supplier has a dealership agreement with;
- (k) display in conspicuous place at its facility its specific identification number issued by a wholesaler or distributor as the case may be;
- (l) display in a conspicuous place at its facility its licence or a true copy thereof, duly certified by the Authority; and
- (m) issue an official receipt bearing its registered name and address in all transactions relating to LPG which shall specifically set out-
 - (i) its registered name and address;
 - (ii) the quantity and price of LPG sold, transported, filled or re-filled;
 - (iii) the date of the transaction;

- (iv) in the case of the sale of LPG in cylinders-
 - (a) the brand of the product;
 - (b) the gross weight of a cylinder, including the contents thereof;
 - (c) the total price; and
 - (d) the unit price per cylinder.

(3) Notwithstanding sub rules (1) and (2), a wholesaler shall establish and maintain an electronic system or mechanism of monitoring and tracking of its LPG cylinders.

Protection of lives and property

24. -(1) A supplier and a dealer shall, while storing, keeping, handling, conveying, using or disposing of LPG, 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 risk of significant environmental harm.

(2) A supplier or a dealer shall dispose of any waste related to LPG business in a manner and at a place intended for the safekeeping and dumping of such products pursuant to applicable law and Petroleum Industry Best Practises.

Compensation for loss suffered

25.- (1) A supplier shall be obliged to compensate any person who has suffered any loss as a result of a regulated activity.

(2) Any person who has suffered loss as a result of the regulated activity shall first lodge a complaint with a supplier whose activity has caused such loss with a view to reaching an amicable settlement.

(3) In the event no settlement is reached under sub-rule (2), the person who has suffered loss may refer the matter to the Authority for determination.

(4) For the purpose of this rule, a person includes an administrator, executor or executrix of the estate of a deceased person.

Insurance

26. A supplier and a dealer shall ensure that they procure and maintain adequate insurance cover for a petroleum product, environment, personnel, customers and visitors of a facility or a retail outlet as the case may be.

Maintenance of records,

27. - (1) Every supplier shall at all times-

provision and disclosure of information

- (a) keep complete and accurate records and data related to its regulated activity; and
- (b) in accordance with the Authority's requirements and pursuant to its directions, promptly provide to the Authority documents, records or information related to its regulated activity.

(2) Any person who refuses to furnish information or statement as required under sub-rule (1) (b) or furnishes false information or statement to the Authority shall be liable on conviction to a fine of not less than twenty million shillings or to imprisonment for a term of not less than five years but not more than seven or both.

Obligation to provide information to NPGIS

28. – (1) A supplier shall lodge to the NPGIS the following information-

- (a) LPG stock levels on daily basis;
- (b) as appropriate, LPG supply by quantity and region on monthly basis;
- (c) as appropriate, LPG importation by quantity and source on monthly basis;
- (d) as appropriate, LPG exportation by quantity and destination, on monthly basis; and
- (e) as appropriate, LPG products in transit by quantity and destination on monthly basis.

(2) A supplier shall lodge the information under sub-rule (1) either through internet or short message services (sms).

Confidential information

29.-(1) Any information received by the Authority from a supplier pursuant to these Rules and applicable law shall be presumed to be not confidential.

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

(3) A licensee 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.

Penalty

30.-(1) Any person who contravenes the provisions of rules 23 (b), (c), (e), (g), (l) and (m) shall be liable to a fine not

exceeding three million shillings.

PART V
ENVIRONMENTAL PROTECTION

Compliance with environmental laws and standards

31.-(1) Every supplier and every dealer shall comply with the requirements of all applicable environmental laws and standards related to a facility and a retail outlet as appropriate.

(2) Subject to applicable law a supplier shall-

- (a) carry out an Environmental Impact Assessment before establishing a facility, or making a major improvement to an existing facility;
- (b) take all necessary preventive measures to avoid pollution resulting from operating its pumping stations, treatment plants, or networks;
- (c) observe strict environmental, health, and industrial safety standards as required by applicable law; and
- (d) perform an environmental audit related to regulated activity in accordance with applicable law.

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

Sanctions for events of violations of environmental laws

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

PART VI
TECHNICAL OBLIGATIONS OF A SUPPLIER AND A DEALER

Compliance with specifications and standards

33.-(1) A supplier shall comply with the approved specifications pertaining to the handling, storage and composition of an LPG which is consistent with the Act, these Rules and applicable law.

(2) A supplier shall not deviate from any approved specification without prior approval of the Authority and the Authority shall not grant such an approval unless it is satisfied that such deviation is for public interest and shall not negatively affect public safety and the environment.

Execution of dealership

34.-(1) A super dealer shall not conduct LPG distribution

agreement

business, unless he has entered into a dealership Agreement with a wholesaler and that, he will only procure LPG from the wholesaler whom he has a contract with.

(2) No dealer shall conduct LPG retail business, unless he has entered into a dealership Agreement with a super dealer and that, he will only procure LPG from the super dealer whom he has a contract with.

(3) A wholesaler, shall within thirty days after receipt of a written request for a dealership Agreement from a super dealer, notify such super dealer whether it has accepted or denied the request.

(4) A wholesaler and a super dealer shall execute and make available to the Authority upon request the dealership agreement signed.

(5) A wholesaler or super dealer may refuse a request for a dealership agreement made by a super dealer or dealer pursuant to sub-rule (1) or (2), as the case may be, where the request made is not economically or technically feasible and may result in a wholesaler or super dealer being unduly prejudiced.

(6) In the event a wholesaler or a super dealer, as the case may be, denies a request for a dealership agreement pursuant to sub-rule (5), it shall give reasons in writing.

(7) Notwithstanding any agreement to the contrary, any party to a dealership agreement may terminate the dealership agreement it has entered into, where it determines that the operations of the other party is in violation of these Rules and applicable laws.

(8) Any party to a dealership agreement may terminate the dealership agreement for any other reason than that stated in sub-rule (7), provided a prior notice of sixty days is given to the other party.

(9) In the event a super dealer or dealer is aggrieved by the refusal of the wholesaler or super dealer in sub-rule (5) the termination of the dealership agreement in sub-rules (7) and (8) he may refer the matter to the Authority for determination.

(10) Notwithstanding the generality of this rule, a wholesaler shall identify and prepare a list of all super dealers it has a dealership agreement with pursuant to sub-rule (2) of this rule.

(11) In the event a cylinder is found at the premises of a supplier that has no dealership agreement with the respective wholesaler or its super dealer shall be returned back to the wholesaler.

Super dealer
to prepare
plan

35. – A super dealer shall prepare and submit a report to the Authority which shall include-

- (a) a list of all dealers he is supplying LPG;
- (b) a detailed plan on how to provide technical support to dealers as required by rule 36; and
- (c) detailed plan on how it will monitor the performance of dealers he transacts with.

Provision of
technical
support

36. - (1) Notwithstanding any provision of these Rules-

- (a) a wholesaler shall provide technical support to a super dealer with whom it has a dealership agreement and shall ensure that its LPG wholesale business is conducted in accordance with these Rules and its facility complies with the requirements prescribed in the Act and these Rules; and
- (b) a super dealer shall provide technical support to a dealer with whom it has a dealership agreement and shall ensure that its LPG retail business is conducted in accordance with these Rules and its retail outlet complies with the requirements prescribed in the Act and these Rules.

(2) Notwithstanding any provision of these rules:

- (a) a super dealer shall 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 super dealer; and
- (b) a dealer shall be deemed to be an agent of a super dealer with whom it has a dealership agreement, and the said super dealer shall be responsible for all the conducts of the dealer.

Offence

37. Any person who contravenes the provisions of rules 34 (1) and (2) commits an offence and shall on conviction be liable to a fine of not less than five million shillings or imprisonment for a term of not less than three years or to both.

Prohibition on
use of
cylinders and
seals

38. – (1) A supplier shall not use any cylinder for storage, handling, filling or re-filling of LPG unless such cylinder is completely leak proof, undamaged and suitable and safe for such storage, handling, filling or re-filling.

(2) A supplier shall not use a cylinder that poses or may

pose a significant risk of environmental harm or harm to the safety or health of any person or property.

Cap. 340

(3) A supplier shall ensure all cylinders are marked according to the provisions of the Weights and Measures Act.

(4) A supplier shall not use a cylinder that is not clearly marked pursuant to these Rules.

(5) A supplier shall ensure that all cylinders are sealed after filling or refilling.

(6) The seal described in sub-rule (5) of this rule shall be of the type that shall be broken or destroyed before LPG can flow out of the cylinder.

(7) A wholesaler, a super dealer and a dealer shall be jointly and severally liable for providing cylinders with no seal or a broken seal.

Penalty

39. Any supplier who sells, offers for sale or distributes a cylinder with a broken seal or with no seal commits an offence and shall on conviction be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both.

Prohibition to undertake illegal refilling

40.-(1) A person shall not refill a cylinder at any place other than a refilling centre.

(2) Any person who contravenes the provisions of sub-rules (1) commits an offence and shall, upon conviction, be liable to a fine of not less than ten million Shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both.

(3) Notwithstanding the provision of sub rule (2) and rule 34(11), the Authority shall have power to destroy the equipment used in illegal refilling.

Prohibition on under filling
Cap. 340

41.-(1) A wholesaler, super dealer or a dealer shall ensure that cylinders carry the net LPG quantity as required by the provisions of the Weights and Measures Act.

(2) The following circumstances shall raise a presumption that a cylinder is under filled-

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

(3) Possession of an under filled cylinder that has not been so identified or that has not been removed from a facility or

a retail outlet, shall raise a presumption that such cylinder is for sale.

Use of calibrated weighing scales

42. - (1) A wholesaler, a super dealer and a dealer shall-
- (a) maintain at all times on its facility or a retail outlet as the case may be, a weighing scale suitable for cylinders and such weighing scale shall be calibrated and sealed by the Certification Authority; and
 - (b) prior to selling or offering for sale, ensure by weighing, that the LPG in a cylinder meets the required quantity.

Reference of violation to certification authority

43. - (1) A wholesaler, a super dealer or dealer who-
- (a) sells, offers for sale or distributes an under filled cylinder as provided for under rule 41;
 - (b) fails or ignores to maintain a calibrated weighing scale in its facility as required under rule 42; or
 - (c) fails or refuses to maintain a weighing scale or to weigh the LPG contents in a cylinder,
- shall be referred to the Certification Authority for action.
- (2) Notwithstanding the provisions of sub rule (1), a super dealer or dealer shall be required to return the cylinders that do not meet the prescribed standards to a wholesaler.

Marking of cylinders

44. (1) A cylinder shall have the owner's distinguishing colour and mark approved by the Authority.
- (2) The cylinder shall be clearly labelled with-
- (a) the owner's brand name;
 - (b) the cylinder's serial number;
 - (c) the date of the last major service; and
 - (d) Other additional markings as required by the Certification Authority.
- (3) A wholesaler shall apply and obtain approval from the Authority prior using a distinguishing colour and mark on its cylinders.
- (4) A wholesaler shall not use a distinguishing colour and mark already approved and in use by another wholesaler.

Unloading of LPG

- 45.-(1) A wholesaler and a super dealer shall ensure that a sales invoice for each shipment of LPG includes -
- (a) the name of a super dealer, dealer, bulk customer or customer, as the case may be;
 - (b) quantity thereof; and

(c) delivery point.

(2) LPG shall be unloaded only by, or in the presence of a customer, a bulk customer or their representative, as named on the sales invoice or transfer document.

(3) LPG shall only be unloaded at the delivery point designated by a customer or a bulk customer as indicated on the sales invoice or transfer document.

Cylinder sealing

46.-(1) A supplier shall, upon refilling, ensure that a cylinder valve and a safety valve is properly closed and sealed to protect it against a leak and tampering.

(2) No supplier or dealer shall import, sell, fill, re-fill or distribute an LPG in a cylinder that has-

- (a) a broken or defective seal; or
- (b) not been properly closed and sealed in accordance with sub-rule (1).

(3) All suppliers and dealers shall ensure that a cylinder seal complies with approved specification.

Deceptive trade practices

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

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

Storage of LPG

48.- (1) A wholesaler, super dealer and dealer shall-

- (a) locate, construct, maintain and operate its works connected with storage of LPG in accordance with these Rules, respective licence, applicable laws and Petroleum Industry Best Practices; and
- (b) conduct its regulated activity or LPG retail business as the case may be, in such a way so as not to endanger public health or safety.

(2) A wholesaler, super dealer and dealer shall mark with conspicuous signs on the place at which the storage tanks and cylinders are located.

(3) A wholesaler, super dealer and dealer shall, when storing LPG, employ appropriate safeguards to ensure that a leak is easily detected, including elevating a storage tank above the ground and placing a storage tank on a concrete pad.

(4) A wholesaler or a super dealer shall, where it intends to replace or install equipment at a facility or a part thereof,

notify the Authority not less than thirty days prior to commencing such replacement or installation in order to allow the Authority to make necessary inspections and issue necessary approvals.

(5) A wholesaler and super dealer shall ensure that its storage tanks are calibrated by the Certification Authority.

Provision for
fire
extinguishing
equipment

49.-(1) Pursuant to the applicable law, a wholesaler, super dealer and a dealer shall provide and maintain adequate fire extinguishing equipment at a facility and a retail outlet as appropriate.

(2) Notwithstanding the provisions of sub-rule (1), a supplier shall ensure that a facility or a retail outlet as appropriate is equipped with-

- (a) any emergency equipment required by applicable law for the use of a driver in an emergency situation;
- (b) an hydrant system for a wholesaler to fight fires in the facility; and
- (c) at least six fire extinguishers of 9 kg, dry powder type for a super dealer and two fire extinguishers 9kg, dry powder type to fight fires in the facility or retail outlet as appropriate.

(3) A supplier shall position the equipment described in sub-rule (2), in accessible places at a facility where a LPG is loaded, handled, offloaded or delivered.

(4) A supplier shall, not less than once a year, test the equipment described in sub-rule (2) pursuant to its specification and applicable law.

Preparation of
fire
emergency
plan

50. A supplier shall establish a fire emergency plan to be employed in the event of a fire at a facility that shall-

- (a) include a suitable and adequate fire-fighting plan that comprises-
 - (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 relevant premises; and

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

Decommissioning procedure

51. – (1) A facility may, subject to the provisions of the Act and these Rules, be decommissioned-

(a) after receipt of a written application for a decommissioning from a licensee;

(b) by an order of the Authority where it is satisfied that such facility has been abandoned by licensee for a period of not less than three months; or

(c) by an order of the Authority that the same be decommissioned where the Authority is satisfied that the continued operation of such facility poses or may pose a danger to lives and property.

(2) A licensee or the owner of a facility shall, within one year from the date of complete construction of the facility or grant of a licence whichever comes first, submit to the Authority for approval a decommissioning plan substantiating the following-

(a) bill of quantity of the planned decommissioning approved by a registered quantity surveyor; and

(b) the intended methods to be used during decommissioning.

(3) The Authority shall, within forty five days from the date of receipt of the plan submitted in sub rule (2) approve with such conditions as it may deem fit.

(4) The licensee or owner as the case may be, shall within two years from the date of effective operation, pay a decommissioning fund to the Authority and the same shall be kept in trust by the Authority for the purpose substantiated in sub rule (1).

(5) The fund under sub rule (4) shall be prescribed by the Authority as per the Bill of quantity and any prevailing condition as the Authority considers necessary.

(6) A licensee seeking to decommission a facility shall notify the Authority not less than thirty days prior to such decommissioning in order to enable the Authority make necessary inspections and to issue the necessary approvals.

(7) Notwithstanding sub rule (4), if the decommissioning cost exceeds the fund in trust of the Authority, a licensee shall pay all the extra costs associated with the decommissioning of a facility, whether such decommissioning has been done following

a request by the licensee or by order of the Authority.

(8) The licensee or owner as the case may be, shall be updating the decommissioning plan in form of techniques and methods prevailing at a particular time.

Site
restoration

52. - (1) A wholesaler or a super dealer, as the case may, shall, prior to decommissioning a facility, restore the facility to its original state so that it does not pose a threat to the environment or the safety and health of the public.

(2) The Authority shall, after completion of the restoration of a facility to its original state by a supplier, issue a certificate of compliance to a wholesaler or a super dealer, as the case may be, confirming such restoration.

(3) For the purposes of sub-rule (1), “restore” means-

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

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

(i) removing buildings, structures, plant and debris;

(ii) establishing of compatible contours and drainage;

(iii) replacing top soil, re-vegetation, slope stabilisation; and

(iv) infilling of excavations.

(4) The Authority shall, before issuing a certificate of compliance under sub-rule (2), consult the Council.

PART VII

COMPLIANCE AND ENFORCEMENT

Inspection of
facility

53.-(1) The Authority may inspect a facility, a retail outlet or a vehicle pursuant to these Rules and applicable law.

(2) The Authority may access and inspect a facility, retail outlet, vehicle, equipment and documents, and a supplier or a dealer or operator as the case may be, shall render such assistance to inspectors as may be required in the course of such inspection.

(3) Notwithstanding the generality of sub-rule (2), an inspector shall have the right and obligation to enter upon any facility, retail outlet or vehicle for the purpose of conducting an inspection.

- (4) During inspection, an inspector may:
 - (a) take samples of any substance or articles stored in a facility, retail outlet or vehicle;
 - (b) make copies or take extracts from any book, accounts or records kept on a facility, retail outlet or in the vehicle;
 - (c) inspect machinery, equipment, appliances, meters, fittings and apparatus; and
 - (d) inspect any vehicle that is found in a facility or at a retail outlet or any place outside a facility or retail outlet.

Notification of offences

54. - (1) At the conclusion of an inspection and where it is found that there was violation of the provisions of the Act, EWURA Act or these Rules, the inspector shall serve the person in breach a notification of offence and the person responsible for such violation shall be required to sign it.

(2) Where the person admits the offence(s) prescribed in the notification, such person shall endorse his consent and pay the requisite penalty.

(3) Where the person disputes the offence, a compliance order shall be issued and criminal proceedings be instituted against him.

(4) Upon the conclusion of the inspection and where the inspector is satisfied that the continued operation of the vehicle 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 vehicle regardless of whether the said person admits the offence or not.

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

Offence

55. Any person who refuses to sign in the Notification of Offence upon being required by an inspector under rule 54, commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings or imprisonment for a term of not less than three years and not more than five years or to both.

Issuance of compliance orders

56. 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.

Power to enter and close facility, building or premises

57.-(1) Notwithstanding any provision in these Rules an inspector shall have the right and obligation to enter upon any facility, building or premises and close it down where he determines that a regulated activity being conducted therein is in contravention of the Act and these Rules.

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

Obligations of inspector during inspection

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

- (a) identify himself to a licensee or customer with 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 duty where they have or may appear to have 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 petroleum industry best practices; and
- (g) not use force or abusive, threatening and insulting language to a supplier, a dealer or any person.

(2) Any inspector who contravenes the provision of sub-rule (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

59. -(1) A supplier or a dealer shall not-

- (a) hinder or obstruct an inspector in the exercise of any of the powers conferred upon it 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 the Authority 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 sub-rule (1), commits an offence and on conviction shall be liable to a fine of not less than twenty million shillings or to imprisonment for a term of not less than five years but not more than seven years or to both.

**PART VIII
GENERAL PROVISIONS**

Appeal
Cap. 285

60. -Any person aggrieved by the decision made by the Authority under Part II and III of these Rules may lodge an appeal to the Tribunal pursuant to the provisions of the Fair Competition Act.

Receiving terminals

61.-(1) A wholesaler having a receiving terminal shall upgrade its receiving terminal to allow it to receive at least seven hundred and fifty metric tons of LPG at a time.

(2) Any wholesaler who after coming into force of these Rules, intends to construct a receiving terminal shall ensure that the constructed terminal has the capacity of receiving at least seven hundred and fifty metric tons of LPG at a time.

Rules to prevail

62. Notwithstanding the provision of any rule to the contrary and for avoidance of doubt, where there is any conflict between the provisions of these Rules and the provisions of the Liquefied Petroleum Gas (Distribution and Retail Business) Operational Guidelines, the provisions of these Rules shall prevail.

Authority to supplement procedures

63. 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 laws to enable it to effectively and completely adjudicate on any matter before it.

Revocation of GN No. 420 of 2012

64. - (1) The Petroleum (Liquefied Petroleum Gas Operations) Rules, 2012 are hereby revoked.

(2) Notwithstanding the revocation of the Petroleum (Liquefied Petroleum Gas Operations) Rules, 2012, all orders, exemptions or directives made or issued or deemed to have been made or issued under those rules and which have not been amended or revoked by these 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.

FIRST SCHEDULE

(Made under rule 3)

NOTIFICATION OF OFFENCE

(LIQUEFIED PETROLEUM GAS WHOLESALE/DISTRIBUTION 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.

The Petroleum (Liquefied Petroleum Gas Operations)

GN. No. 376 (Contd.)

PART "A"- NOTIFICATION OF INTENTION TO ANSWER CHARGES

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

LPGWL /LPGDL No. Designation:

Vessel Registration No. Date:

Signature of the person issued with the notification Signature of the Inspector

SECOND SCHEDULE

(Made under rule 4 (2))

APPLICATION FOR CONSTRUCTION APPROVAL FOR LPG STORAGE AND FILLING PLANT

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

IMPORTANT NOTE: Please complete this form and submit it to the Director General through the address above together with all relevant enclosures.

In order to avoid unnecessary delays, please answer all items in full and submit to EWURA a complete form with all necessary enclosures. No application will be processed until it has been found to be complete.

Once complete and ready for submission, PRINT USING BLUE OR BLACK INK ONLY. Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. All separate sheets of information must be on a clean and clear A-4 paper.

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.	Registration Status: <i>(Fill Where Appropriate)</i> (a) Certificate of Incorporation No..... (b) Certificate of Compliance No.....

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	(c) Business license No..... (d) TIN No. (e) VAT No.....
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>(if not sole proprietor please attach the registration documents)</i>
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.	If the applicant is in a Joint Venture with another entity, provide the following details: (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:
7.	Fee amount 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- LIST OF ENCLOSURES	
8.	Please attach your application with the following documents; <input type="checkbox"/> Certificate of compliance for foreign companies <input type="checkbox"/> Certificate of Incorporation <input type="checkbox"/> Memorandum of association and articles of association <input type="checkbox"/> An updated list of shareholders certified by BRELA <input type="checkbox"/> Copy of Application Fee Receipt from EWURA <input type="checkbox"/> Joint Venture or partnership contract (where applicable)

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	<input type="checkbox"/> Certificate from Tanzania Investment Centre (where applicable) <input type="checkbox"/> Title Deed or any other authorization approving use of land for bulk petroleum business operations <input type="checkbox"/> Lease agreement if the applicant is not the owner of the land <input type="checkbox"/> Building Permit from relevant local authorities <input type="checkbox"/> Environmental Impact Assessment Certificate from National Environment Management Council (NEMC) <input type="checkbox"/> Business or project plan <input type="checkbox"/> Engineering layout plan duly signed by a registered engineer by Engineer Registration Board <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 storage tanks and LPG refilling area; (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	
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 thisday of2017</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="font-size: 3em; margin-right: 10px;">}</div> <div style="border-top: 1px solid black; width: 100px; text-align: center;">DECLARANT</div> </div> <p>BEFORE ME:</p> <p align="center">_____ COMMISSIONER FOR OATHS</p> <p>NOTE: This application form can be completed electronically and submitted to EWURA with the necessary supporting documents.</p>

The Petroleum (Liquefied Petroleum Gas Operations)

GN. No. 376 (Contd.)

(Made under rule 13)

APPLICATION FOR LPG WHOLESALE/ DISTRIBUTION LICENCE

For EWURA Use Only	
Date Received:	File Number:

TYPE THE TYPE OF LICENCE: (.....)

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Director General at the above address.

In order to avoid unnecessary delays, answer fully all items and submit to EWURA all of the information required to consider this application. EWURA will not process this application until it has been found to be complete.

Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. You should ensure that all required documentation are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application.

	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 Applicant: (a) Physical address: Street.....Plot No..... Block No.....Building No..... (a) Postal Address:

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	(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).....
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"/> Building Permit <input type="checkbox"/> Land Title <input type="checkbox"/> lease agreement in case the applicant is not the owner of the land <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"/> Proof of ownership of the filling plant and storage depot that conforms to the

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	<p>petroleum Industry best practises or Hospitality agreement.</p> <p><input type="checkbox"/> adequate skilled personnel (personnel’s profile)</p> <p><input type="checkbox"/> proof of financial capability being either an audited financial statements showing an annual gross turnover of not less than One Billion and Five hundred million Tanzania Shillings or a bank statement showing a credit balance of not less than One Billion and Five hundred million Tanzania Shillings or a bank guarantee or a credit facility of not less than One Billion and Five 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 One Billion and Five hundred million Tanzania shillings</p> <p><input type="checkbox"/> Environmental Impact Assesment certificate</p> <p><input type="checkbox"/> OSHA certificate</p> <p><input type="checkbox"/> dealership agreement with the LPG Wholesaler</p> <p><input type="checkbox"/> Fire Certificate from the Fire Department</p> <p><input type="checkbox"/> Memoranda of understanding (if any) governing commercial transactions of regulated goods and services.</p> <p><input type="checkbox"/> Duly filled integrity pledge form</p> <p><input type="checkbox"/> List of LPG dealers that the Super dealer has dealership agreement with for supply of LPG</p> <p><input type="checkbox"/> Any other.</p>
<p>PART III – DECLARATION BY THE APPLICANT</p>	
<p>8.</p>	<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 of2017)</p> <p>BEFORE ME:</p> <p align="center">_____ COMMISSIONER FOR OATHS</p> <p>NOTE: This application form can be completed electronically and submitted to EWURA with the necessary supporting documents.</p>

FOURTH SCHEDULE

(Made under rule 14)

INTEGRITY PLEDGE

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 behaviour 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 behaviour in whatever form;
 - (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 behaviour and the highest standards of ethics, integrity and transparent in business transactions in Tanzania, we commit to:

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- (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 behaviour 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 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:.....

FIFTH SCHEDULE

(Made under rule18 (2))

APPLICATION TO TRANSFER A LICENCE

This section to be completed by the Current Licensee	

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	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:	
Business Organization (Sole proprietor, Company, Partnership)		Position:	

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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			
Signed:		Position:	
Print Name			

Ownership of the site comprising the licensed facility.

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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)			
Address:			
Post Code		Tel No.	
Email			

Fee TZS	Payable to: EWURA Account: 01J1022244000; CRDB Holland Branch.	
<p>Notes</p> <ol style="list-style-type: none"> The applicant(s), (if an individual person or partnership) must be over 18 years of age. 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. This application together with the appropriate fee, should be forwarded to the Director General, EWURA at 7TH Floor, LAPF Pension Fund Tower, Opposite Makumbusho Village, Kijitonyama, P.O Box 72175, Dar es Salaam. 			

<p>The application should be attached with the following documents;-</p> <ol style="list-style-type: none"> The original copy of a valid EWURA licence in respect of the licensed facility; Certified copy of tax Clearance in respect of the licensed facility; Lease/ Sale agreement stamp duty paid; Company Registration documents; Transmission document (in case the type of transfer if by transmission i.e. death or order of the Court) Proof of payment of transfer application fee;and Any other document that will be required at the time of transfer

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SIXTH SCHEDULE

(Made under rule 21 (2))

APPLICATION FOR RENEWAL OF LPG WHOLESALE LICENCE/LPG DISTRIBUTION LICENCE

For EWURA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Director General at the above address.

In order to avoid unnecessary delays, answer fully all items and submit to EWURA all of the required information. You may submit your application electronically or by delivering the same to EWURA offices. EWURA will not process this application until it has been found to be complete.

Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. You should ensure that all required documentation are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application.

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)

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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 facility (a) Physical address: Street.....Plot No..... Block No.....Building No..... (b) Postal Address: (c) Telephone No: (d) Facsimile:Cell Phone..... (e) E-Mail:

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4.	<p>Legal status of the Applicant:</p> <p>Sole Proprietorship</p> <p>Partnership</p> <p>Public Limited Liability Company</p> <p>Private Limited Liability Company Parastatal Organization Government Agency</p> <p>Cooperative Society</p> <p>Joint Venture</p> <p>Other (specify).....</p>
5.	<p>Contact Person:</p> <p>(a) Name:</p> <p>(b) Title: (c) Physical address:</p> <p>Street.....Plot No.....Block No.....</p> <p>Building No.....:</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cell phone:</p> <p>(g) E-mail:</p>

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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..... <i>(Use additional Sheet if Necessary)</i>
8.	Application Fee and method of payment: (a) Amount: TZS..... (b) Mode: Cash Cheque Other (specify)..... (c) Fees Payment Receipt No. <i>(Attach Copy)</i>
PART II – DECLARATION BY THE APPLICANT	

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<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) DECLARANTday of20....)</p> <p>BEFORE ME:</p> <p>_____</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>

Dodoma,
....., 2018

NZINYANGWA E. MCHANY
*Director General Energy and Water
Utilities Regulatory Authority*