

STATUTORY INSTRUMENTS

2009 No

THE PETROLEUM SUPPLY (GENERAL) REGULATIONS, 2009

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2009 No

THE PETROLEUM SUPPLY (GENERAL) REGULATIONS, 2009

(Under section 44 (1) of the Petroleum Supply Act, 2003, Act No. 13 of 2003)

IN EXERCISE of the powers conferred upon the Minister by section 44 of the Petroleum Supply Act, 2003 and in consultation with the Technical Petroleum Committee, these Regulations are made thisday of, 2009.

PART 1 – PRELIMINARY

1. Citation

These Regulations may be cited as the Petroleum Supply (General) Regulations, 2009.

2. Interpretation

In these Regulations, unless the context otherwise requires-

“**Act**” means the Petroleum Supply Act, 2003;

“**adulteration**” means the mixing of one quality grade of petroleum product with one or more different grade(s) of petroleum product(s);

“**affiliate**” means any company which is directly or indirectly controlled by majority ownership or is controlled by the holder or which is directly or indirectly controlled by another company;

“**Class I Petroleum**” means petroleum products with a flash point ranging from that of petrol or gasoline, and lower;

“**Class II Petroleum**” means petroleum products with a flash point ranging from that of Diesel or Gasoil, and higher;

“**currency point**” has the value assigned to it in Schedule 1;

“**major modifications**” means the change, addition, or removal of a part of an existing facility to an extent that alters its capacity beyond 15% of initial design or outlay;

“**petroleum installations or facilities**” include petroleum depots, vessels, trucks, railway wagons, fuel stations, gas plants, pipelines and bulk consumer facilities;

“**under declaration**” refers to the presentation of documentation for customs purposes with stated quantities that are below the actual quantities that are determined through a physical verification exercise; and

“under-delivery” means the delivery to a client of a volume below that declared in corresponding documentation or the issuance by a fuel measurement system of quantities that are below the corresponding amounts as determined by a standard measurement practice.

PART II – PETROLEUM CONSTRUCTION PERMIT AND PETROLEUM OPERATION LICENCE

3. Application for construction Permit

(1) A person who intends to obtain a petroleum construction permit under section 17 (1) of the Act shall submit the original and two copies of the application to the Commissioner as prescribed in Schedule 3 of these Regulations.

(2) The application shall include-

- (a) name, address and nationality of the applicant;
- (b) in case of a body corporate, the corporate name, registered office address and country where it is incorporated;
- (c) where the body corporate is incorporated outside Uganda, proof of establishment of a place of business in Uganda and registration as a foreign company in accordance with the Companies Act;
- (d) a statement and supporting documents giving particulars of the financial and technical capability of the applicant to carry out the operation to which the application refers;
- (e) names, addresses and qualifications of potential principle contractors and supervisors to be employed for the project;
- (f) description and location of the project, amount of investment capital, technologies to be used, site and construction plans;
- (g) proof or binder of insurance for protection against third party liability, including environmental damages during the construction phase, in the amount established and published by the Commissioner for the type of project to which the application refers;
- (h) proof of ownership or lease of the property on which the project is being carried out;
- (i) the estimated date of completion of the project;
- (j) required approval or certification by the National Environment Management Authority, local or urban Authorities, and any other stakeholder institutions for the construction works;
- (k) environmental project brief or environmental impact statement in the form and with the information prescribed by the Environment(Environment Impact

Assessment) Regulations, for further processing in accordance with regulation 8 of these Regulations;

- (l) the description of safety programmes, equipment and plans for the protection of occupational health, industrial safety and environmental protection during regular construction operation as well as contingency plans for accidents, natural disasters and emergencies;
- (m) proof of payment of fees prescribed by these regulations and of deposit for cost of experts according to regulation 12; and
- (n) a Tax Identification Number for new investors and tax clearance certificate for existing companies.

4. Publication and objection to applications

(1) A summary of each application for a permit for a project as stated in the application, with particular attention to the plans for the protection of safety and the environment, shall be published by the applicant in a newspaper of national circulation within fifteen days after the filing of the application in accordance with these Regulations.

(2) Evidence of the publication referred to in subregulation (1) shall be provided to the Commissioner.

(3) A person who wishes to object to the approval of the published application shall file the objection with the Commissioner within seven days from the date of the publication of the application and the Commissioner shall resolve the objection during the approval process.

5. Construction operations, inspection and certification of completion

(1) Construction operations shall be started within ninety days from the effective date of the permit unless otherwise approved in writing by the Commissioner.

(2) During the execution of the works, the Commissioner shall carry out inspections in order to verify compliance with the conditions of the permit.

(3) Upon completion of the final inspection, the Commissioner shall issue the certificate of completion in respect of the project.

(4) The validity and extension of the construction permit shall be as prescribed under section 21(1) of the Act.

6. Application for petroleum operating licence

(1) A person who intends to obtain a petroleum operating licence under section 17 (2) of the Act, shall submit the original and two copies of the application to the Commissioner as prescribed in schedule 4 of these Regulations.

(2) An applicant for a petroleum operating licence shall be a body corporate.

(3) The application shall state-

- (a) the corporate name, registered office address and place where it was incorporated;

- (b) where the body corporate is incorporated outside Uganda, proof of establishment of a place of business in Uganda and of registration as a foreign company in accordance with the Companies Act;
- (c) a statement and supporting documents giving particulars of the financial and technical resources available to the applicant to demonstrate the applicant's ability to carry out properly the operation to which the application refers;
- (d) proof of ownership of storage facilities , rented or otherwise contracted by the applicant of sufficient installed capacity to maintain working stocks for-
 - (i) a minimum of ten days of the anticipated average monthly throughput, as stated in the application for applicants for retail licences; and
 - (ii) a minimum of ten days of the anticipated average monthly throughput within Uganda, as stated in the application, for applicants for import, processing, storage or whole licences or any combination of them;
- (e) in the case of an application for a retail licence or a licence for industrial consumers, proof of legally binding supply contracts with licensed wholesalers;
- (f) the names, addresses and qualifications of management personnel to be employed for the operation;
- (g) description and location of offices, plants or other facilities, amount of investment and operating capital and technologies to be used;
- (h) proof or binder of insurance for protection against third party liability, including environmental damages;
- (i) description of safety programmes and equipment and plans for protection of occupational health, industrial safety and the environment during regular operations;
- (j) contingency plans for accidents, natural disasters or other emergencies;
- (k) estimated date of commencement of operations;
- (l) proof of approval or applications filed for other authorizations required by other Government authorities;
- (m) environmental impact assessment in the form and with the information required by the applicable legislation for further processing according to regulation 8;
- (n) proof of payment of the fees prescribed by these Regulations and of deposit for cost of experts according to regulation 12;
- (o) proof of investment certification by Uganda Investment Authority; and
- (p) tax clearance and Tax Identification Number from Uganda Revenue Authority.

7. Persons to whom a permit or licence shall not be granted

A permit shall not be granted to--

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

8. Environmental Impact Assessment

(1) Within twenty eight days after the receipt of the Environmental project brief, the Commissioner, as the “lead agency” under the National Environment Act, shall decide, in consultation with the National Environment Management Authority and notify the applicant, whether an environmental impact assessment and, as the case may be, which type of environmental assessment shall be required for the project or operation.

(2) The environmental impact statement shall be approved by the National Environment Management Authority in consultation with the Commissioner.

9. Environmental audit for Construction

(1) Within a period of twelve months after completion of construction and submission of an environment impact statement, the permit holder shall undertake an initial environmental audit of the project.

(2) The initial environment audits under the subregulation (1) shall be carried out by a certified environment practitioner.

(3) Subsequent to the initial environment audits, the Commissioner may require the holder to carry out such audits at such times as he or she may consider necessary.

(4) An environment audit report shall be prepared after each audit and submitted to the Commissioner.

10. Environmental audit for operations

Within a period of twelve months or as need may arise after commencement of operations, the holder of an operating licence shall undertake an environmental audit of the project.

11. Registration of application

(1) An application for the grant, renewal or assignment of a permit or licence made to the Commissioner under these Regulations shall be registered immediately in the Central Petroleum Registry maintained by the Commissioner in accordance with section 28 of the Act.

(2) The Commissioner shall cause to be issued an official receipt, which shall be handed or mailed by registered mail to the applicant indicating the date and time at which the application was received and registered.

12. Fees

(1) The fees payable for an application for a permit or licence, the renewal or transfer of the permit or licence are as prescribed in Schedule 2 of these Regulations.

(2) The Minister may, in consultation with the Committee adjust the fees referred to under subregulation (1) by order published in the Gazette.

(3) When the Commissioner has employed one or more experts in the process of evaluating an application in accordance with section 19 of the Act, the applicant shall reimburse the Commissioner for all the expenses directly related to the employment of the expert.

(4) Before employing an expert, the Commissioner may request an applicant to deposit an advance of an amount not exceeding fifty percent of the estimated fees and expenses.

(5) The applicant shall be liable to reimburse the Commissioner for the amount of fees and expenses incurred during the employment of experts, even where the application is rejected by the Commissioner.

13. Form of licence or permit

The general form of all permits and licences to be granted, and any change of the form shall be as prescribed in Schedules 5 and 6 of these Regulations respectively.

14. Duration of licence or permit

A licence or permit shall be valid for the following terms and may be renewed for equal periods-

- | | |
|--|---------------|
| (a) importation and exportation | ten years; |
| (b) pipeline transportation | twenty years; |
| (c) other surface transport on land or water | five years |

- (d) storage, including industrial consumers ten years;
- (e) wholesale and retail distribution and sales five years; and
- (f) processing or transformation or other
operations involving the construction of physical plants fifteen years.

15. Legal or regulatory changes

Where during the terms of validity of a permit or licence, legal or regulatory changes like-

- (a) the issuance of new technical standards or specifications occur which require changes or adaptations of petroleum products, installations;
- (b) or equipment of the supply chain or in the performance of petroleum supply operations,

all holders of permits and licences shall comply with the respective rules within a reasonable transition period established by the order of the Minister, made in consultation with the Committee, unless the transition period is provided for by the respective law or regulatory change.

16 Suspension or revocation of permit or licence

(1) The Commissioner may in accordance with section 23 (a) and (b) of the Act suspend or revoke a permit or licence issued under these Regulations where the holder-

- (a) fails to comply with the terms and conditions of permit or licence, in particular those concerning-
 - (i) environment protection plans and requirements;
 - (ii) safety programmes and contingency plans concerning the respective project or operation, including those contained in the Emergency Petroleum Supply Plan established under section 34 of the Act;
 - (iii) minimum stock requirements established in accordance with section 26 of the Act;
 - (iv) any commercial activity involving petroleum products which are not in compliance with the quality standards established under the Act or other laws;
 - (v) adulteration of petroleum products;
 - (vi) smuggling;
 - (vii) under - delivery; or
 - (viii) tax evasion;

- (b) intentionally and repeatedly fails to submit or submits materially false reports to the Commissioner for purposes of the National Petroleum Information System established under section 27 of the Act or for any other purpose as the Commissioner may determine;
- (c) violates in a material respect, any provision of the Act or other written law concerning the protection of fair competition and the free petroleum product market; or
- (d) repeatedly fails in any material respect, to comply with any other requirement of the Act or fails to remedy or mitigate previous failures contrary to the orders issued by the Commissioner or any authorized authority under the Act.

(2) The Commissioner shall not suspend or revoke a permit or licence on a ground referred to in subregulation (1), unless-

- (a) the Commissioner has served on the holder of a permit or licence a default notice specifying the grounds on which the permit or licence is liable to be suspended or revoked;
- (b) the holder has failed within a period of thirty days from the date on which the default notice was served, or such other period as the Commissioner may allow, to remedy the default specified or, where default is not capable of being remedied, has failed to offer in respect of the default reasonable compensation or mitigation; or
- (c) the matter has been referred to the Committee for its advice.

17. Termination of permit or licence

A permit or licence shall automatically terminate in accordance with section 23(a) of the Act, if not revoked by the Commissioner by notice in writing with copy to Uganda Revenue Authority and publication in the media, where the holder of a permit or licence-

- (a) assigns or otherwise transfers the permit or licence without prior approval of the Commissioner; or
- (b) would be rendered ineligible to be granted the respective permit or licence on the occurrence of an event provided for under regulation 7 of these Regulations.

18. Renewal of licence

(1) A holder of a permit or licence issued under these Regulations may apply to the Commissioner for renewal of the permit or licence not later than four months before the date of the expiry of the permit or licence.

(2) Regulations 6 to 12 of these Regulations shall apply to the processing of the application, for renewal of a permit or licence.

19. Transfer or assignment of permit or licence

- (1) A holder of a permit or licence who wishes to assign or transfer the permit or licence, shall file a written application with the Commissioner.
- (2) Regulations 6 to 12 of these Regulations shall apply to the processing of the application for transfer or assignment of permit or licence.
- (3) The approval of the assignment or transfer shall not change the remaining period of validity of the original permit or licence.
- (4) The assignee or transferee shall be liable for all pending obligations or liabilities of the assignor or transferor under the Act and these Regulations.
- (5) Where any unknown liability is discovered within three years after the effective date of the assignment or transfer, both the assignor and the assignee or transferor and transferee shall be jointly and severally liable for that liability.
- (6) The Commissioner shall not approve an assignment or transfer by a company as the holder to an affiliate, where the obligations of the affiliate are guaranteed by the assignor or by a parent company.
- (7) Where there is succession by death of a natural person, the successor shall apply within thirty days for approval of the transfer of the permit or licence, otherwise the permit or licence shall expire.
- (8) A permit or licence shall not be assigned or transferred under subregulation (7) to a person to whom that permit or licence could not have been granted under the Act.

20. Exemptions from the requirements for licences and permits

A licence or permit shall not be required-

- (a) for the transport or storage of petroleum by a department of the Government or the armed forces but Government departments and armed forces shall be required to comply with the necessary provisions of the Act, in respect of health, safety, environment and quality;
- (b) Where approvals and permission have been issued by the Ministry of Energy and Mineral Development before the commencement of the Act but reviews of compliance shall be done in accordance with the Act and these Regulations;
- (c) for the storage of the following petroleum products-
 - (i) Class I petroleum products not exceeding two hundred liters if contained in securely Stoppard metal containers;
 - (ii) Class I petroleum products not exceeding 1,000 liters contained in two hundred (200) liter drums, but stored in accordance with conditions issued by a licensing officer;
 - (iii) LPG stored in potable cylinders with combined capacity of up to 100kg; and
 - (iv) Class II petroleum not exceeding 1,000 liters;

(d) for the following construction-

- (i) minor modifications or construction of petroleum installations within an existing licensed depot; or
- (ii) emergency works which cannot await the permit process but the owner of such works shall inform the Commissioner in writing and obtain permission in writing.

PART III-GENERAL OBLIGATIONS OF A HOLDER OF A PERMIT OR LICENCE

21. Production of documents and inspection of premises.

(1) The Commissioner may, in accordance with section 25 (1) of the Act, direct the holder of a permit or licence, at a reasonable time and place specified in the directive, to make available to, or to produce for inspection by an officer authorized by the commissioner any books, accounts, documents or record of any kind concerning the petroleum supply operations, and the holder shall comply with the direction.

(2) The Commissioner may, in accordance with section 25 (3) of the Act, enter upon any area, premises or work place of a holder of a permit or licence for the purpose of-

- (a) inspecting of that area, premises, work place, building, vehicle or installations, facilities or equipment and examining construction works or petroleum supply operations and installations in order to ascertain that the provisions of the Act and the conditions of the permit or licence are being complied with.
- (b) giving directions or taking other steps to enforce the provisions of the Act and the conditions of the permit or licence or to abate or remove any nuisance.
- (c) taking samples of petroleum products, soil, air or water and other substances, examining books, accounts or other records of any kind or obtaining any information which the Commissioner may consider necessary for carrying out the provisions of the Act.

(3) A copy of the permit or licence shall be clearly displayed at the holder's premises.

(4) The Commissioner shall, upon review by the Committee, make and publish rules for the initiation and conduct of proceedings under this regulation and the keeping of records and notes of evidence.

PART IV- THE NATIONAL PETROLEUM INFORMATION SYSTEM

22. Periodic reporting

(1) A holder of a permit or licence under these Regulations shall, in accordance with section 27 (1) of the Act, submit on a timely basis to the Commissioner the following information for the National Petroleum Information System-

- (a) in the case of importations, exportation, processing and other transformation operations-

- (i) a monthly report of imports and exports by type of petroleum product received or dispatched, including the foreign ports of origin or destination, border crossing point into Uganda;
 - (ii) a monthly report of production, consumption product losses and sales of the product;
 - (iii) a monthly report of deadstock and maximum storage capacity owned or under contract by the licensee per product and location;
 - (iv) a monthly report of average daily stock of petroleum products held by or on behalf of the licensee by type of petroleum product per month;
 - (v) a quarterly programme of estimated imports, exports or production by type of petroleum product per month; and
 - (vi) an annual summary report of investments in new or improved installations, major rehabilitation or repairs and the respective plans for the following year;
- (b) in case of wholesale and retail distributions, including industrial consumers-
- (i) a monthly report of sales, purchases and product losses per product by geographical region and economic sector;
 - (ii) a monthly report of deadstock and maximum storage capacity owned or under contract by the licensee per product and location;
 - (iii) a monthly report of average daily stock of petroleum products held by or under contract by licensee by product and location;
 - (iv) a monthly report of average sales per product and region; and
 - (v) an annual summary report of investments in new or improved installations, major rehabilitations or repairs and the respective plans for the following year.
- (c) in the case of transportation-
- (i) a monthly report of available transport unit capacities at the end of the month by, mode of transport, product and operating region;
 - (ii) a monthly report of quantities transported by product, product losses, loading points and unloading points by region; and
 - (iii) an annual summary report of investments in new or improved installations, major rehabilitations or repairs and the respective plans for the following year.

(2) The reporting periods mentioned in subregulation (1) are calendar months, quarters or years.

(3) The reports shall be submitted within fifteen days after the end of the respective period or fifteen days in advance, as the case may be.

(4) The Commissioner may, by order in the Gazette publish further details of the reporting system.

23. Central Petroleum Registry

(1) The Commissioner shall establish and maintain a Central Petroleum Registry as part of the National Information System in accordance with section 28 of the Act.

(2) The Central Petroleum Registry shall contain in respect of each holder of a permit or licence the following information-

- (a) all essential information about the holder , the licensed petroleum supply operations and installations;
- (b) date of application for and approval, renewal, transfers, revocation or termination of a permit or licence;
- (c) dates and results of all inspections, any violations, convictions for offences, penalties, suspensions or orders for mitigating or remedial actions;
- (d) date and type of interruptions or substantial reductions of operations or damage caused by accidents, natural disasters or other events of force majeure, negligence or willful misconduct by any person;
- (e) major investments for expansion, improvement or rehabilitation of installations;
- (f) local production capacity and outputs; and
- (g) any other information as the Commissioner may deem necessary.

PART V - QUALITY CONTROL OF PETROLEUM PRODUCTS

24. Establishment of specifications, denominations, technical and quality control practices in respect of imports, exports and re-exports

(1) The Commissioner shall, upon review by the Committee and with the approval of the Minister establish product grades, technical specifications and quality control practices for all petroleum products imported for distribution and sale in Uganda, exports and re-exports, where a National standard for a product is not established under another law.

(2) For the purposes of subregulation (1), the Commissioner shall seek the advice of a technical subcommittee of experts from the public and private sector appointed by the Minister, in consultation with the Committee.

(3) In this Part, “product” includes any additives to be added to petroleum products and any mixture of petroleum products and or additives.

(4) To facilitate the quality control of petroleum products, invoices and other documentation used in commercial transactions or public advertisements, the holder of a permit or licence shall use product grades established under subregulation (1).

25. Temporary approval of new specifications

(1) Where a holder of a permit or licence intends to import, export, produce, process, transport, store, purchase, sell or otherwise handle a product, which has not been approved in accordance with regulation 24, or to change the approved specifications of a product, the licensee shall apply to the Commissioner for approval.

(2) The application under subregulation (1) shall be accompanied by--

- (a) a description of the technical, environmental and or economic reasons for the introduction of the product or the change of specifications;
- (b) two samples of the product;
- (c) a certificate of quality analysis with the detailed description of the proposed specifications issued by a laboratory of international recognition and test methods used;
- (d) as the case may be, a statement of no objection from other relevant Government regulatory authorities and agencies; and
- (e) any other relevant documentation or certification.

(3) The Commissioner may grant temporary approval of the new specifications for a maximum period of sixty days while the final approval under regulation 22 is being processed.

(4) Any approval by the Commissioner required under this regulation in relation to temporary or final approval of the new specifications shall not be unreasonably withheld.

26. Liability for non compliance with approved specifications and standards

(1) A person involved in the supply chain who does not comply with approved specifications, shall be jointly and severally liable to the final consumer for any damage caused by the use of that product, notwithstanding the right of each of the respective participants to seek judicial relief for the purpose of establishing the ultimate liability for the damage between themselves in court of competent jurisdiction.

(2) A person who violates the approved specifications shall pay the cost of removal, including any costs which may be incurred by any Government agency or organ in the restoration of the environment damaged or destroyed as a result of the use of the product.

(3) Penalties for non-compliance to established specifications and standards shall be as stipulated under section 37 of the Act.

(4) Where there is a dispute between the participants in the supply chain or between them and the Commissioner or the Minister, each party may seek mediation by the Committee in accordance with section 40 of the Act.

PART VI – EMERGENCIES AND CONTINGENCY PLANS

27. Reports of changes in representations, accidents or temporary interruptions

(1) The holder of a permit or licence shall inform the Commissioner without undue delay of any substantial change in the representations in his or her application or the stated conditions under which his or her permit or licence was granted.

(2) A holder of a permit or licence shall inform the Commissioner within twenty four hours in case of accidents, natural disasters or any other event which has caused or could cause a sustained interruption or substantial reduction of the petroleum supply operations or which causes or poses the risk of causing major damage to the occupational health, public safety or the environment.

(3) For all major cases of temporary interruptions or reductions of the petroleum supply operations or of events which cause or pose risks or damage to third parties, the holder of a permit or licence shall file a written report with the Commissioner stating the cause and consequences of the event and the remedial and preventive measures taken or to be taken to remedy the event.

(4) A holder of a permit or licence shall provide proof of comprehensive insurance of the supply chain operations, including but not limited to transportation, storage facilities petroleum stocks, personnel, equipment and third parties.

28. Contingency and Emergency Petroleum Supply Plan

(1) The Minister shall, in consultation with the Committee, appoint a permanent technical sub-committee, composed of representatives of the authorized government bodies and the participants in the supply chain for the preparation of the Emergency Petroleum Supply Plan in accordance with section 34 of the Act.

(2) The Emergency Petroleum Supply Plan shall be made effective not later than one year from the date of commencement of these Regulations and shall be updated at least once every year.

(3) The Emergency Petroleum Supply Plan shall contain-

- (a) a list of all individual contingency plans which the holder of a permit and licence has established according to the obligations referred to in regulation 6 (2) (i) and (j), including an inventory of all special equipment, materials and other provisions for emergencies;
- (b) alternative supply plans, allocation systems and formula to be applied where there is a shortage of petroleum products in case of an emergency;

- (c) at least two separate supply routes through two different countries bordering Uganda; and
- (d) definitions of other measures of temporary intervention, institutional responsibilities, logistical, organizational and operational preparations and contingency plans for different types of possible emergencies.

SCHEDULE 1

Regulation 2

CURRENCY POINT

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Regulation 12

FEES

The following application fees shall be payable to the Commissioner-

- (1) For the initial grant of a permit, one (percent) per mil (0.1%) of the total value of the investment as stated in the application according to regulation 3;
- (2) For the extension, assignment or other type of transfer of a permit, one half of the amount referred to under paragraph (1);
- (3) For the initial grant of a licence for-

(a) Importation	150 currency points;
(b) Exportation	50 currency points;
(c) pipeline transportation	500 currency points;
(d) other surface transportation on land or water	75 currency points for each unit and not exceeding 100 currency points per licence.
(e) Storage	150 currency points;
(f) wholesale distribution	75 currency points per licence;
(g) retail sales each unit	50 currency points per licence;
(h) industrial consumers who buy their products directly from licensed importers or wholesalers	25 currency points; and
(i) processing and transformation of petroleum products or other operations involving physical plants	150 currency points; and

- (4) For the renewal, assignment or other type of transfer of licence, one half of the amounts prescribed in paragraph (c).

SCHEDULE 3

Regulation 3

THE PETROLEUM SUPPLY ACT, 2003

THE PETROLUM SUPPLY (GENERAL) REGULATIONS, 2009

APPLICATION FOR A PETROLEUM FACILITY CONSTRUCTION PERMIT

Application is hereby made for a petroleum facility construction permit.

Note: If space is insufficient to provide details, please attach annexure(s). Any annexure(s) should be identified as such and signed by the signatory of this applicant.

Information provided should be as at the date of the application or renewal.

1. Name, address and nationality of the applicant. *(If body corporate, provide the corporate name, registered office address and place of incorporation).*
.....

2. Name, contact telephone numbers, and addresses of directors and Chief Executive Officer
.....

3. Tax Identification Number /VAT Registration Certificate:
.....

4. Corporate status of ownership (sole proprietorship, partnership, unincorporated business, incorporated private/public company, association or a co-operative):
.....

5. If the body corporate is incorporated outside Uganda, proof of establishment of the place of business in Uganda and registration as a foreign company in accordance with the Company Act;
.....

6. Proposed location of project (District, county, sub county, parish and village):
.....

7. Size of Plot (in Hectares) on which the facility is to be constructed:
.....

8. Expected date of commencement of construction:

.....
9. Estimated date of completion of the project:
.....

10. Name, address and qualifications of the potential principle contractors and supervisors to be employed for the project or company to undertake the construction/modification:
.....

11. Proof or commitment of insurance for protection against third party liability, and other construction liabilities.
.....

12. Description of the project and amount of investment capital, supported by a Bank Reference Letter.
.....

13. Description of safety programmes, equipment and plans for protection of occupation health, industrial safety and environment during regular construction operation as well as contingency plans for accidents, natural disasters and emergencies:
.....

14. Please also submit copies of the following documents.

- (a) a Business Plan
- (b) Environment Impact Assessment Certificate from NEMA;
- (c) approved construction plans from Local /urban Authorities;
- (d) proof of ownership of land by land Title and details of the plot for the proposed petroleum installation/facility;
- (e) certificate of incorporation or registration;
- (f) a statement and supporting documents giving particulars of the financial resources and technical capability of the applicant to carry out the operations to which the application refers;
- (g) Environmental Project Brief in the form and with the information prescribed by the applicable legislation for further processing according to regulation 8 of the Petroleum Supply(General) Regulations;
- (h) Tax clearance certificate for existing companies;
- (i) proof of payment of fees and deposit for cost of experts in accordance with regulation 10 of the Petroleum Supply (General) Regulations;

- (j) proof of payment of application fees;
- (k) bank reference letter; and
- (l) proof of approval from local/urban authorities.

15. Any other additional information considered relevant to this application.

.....

I/ We(Director), (Director) and
..... (Secretary) declare that all the information given in this
application and in the attached documents is true and correct.

Signed:

.....) Director

.....)Director

.....) Secretary

Date:.....

Note: Applications made to the Commissioner, Petroleum Supply, Ministry of Energy and Mineral Development.

SCHEDULE 4

Regulation 6

THE PETROLEUM SUPPLY ACT, 2003

THE PETROLUM SUPPLY (GENERAL) REGULATIONS, 2009

APPLICATION FOR PETROLEUM OPERATING LICENCE(S)

Application is hereby made for a petroleum operating licence.

Note: If space is insufficient to provide details, please attach annexure(s). Any annexure(s) should be identified as such and signed by the signatory of this application.

Information provided should be as at the date of the application or renewal.

1. Name, address and nationality of the applicant. *(If body corporate, provide the corporate name, registered office address and place of incorporation.)*
.....
2. Name, Contact Telephone Numbers, and Addresses of Directors and Chief Executive Officer.
.....
3. Tax Identification Number /VAT Registration Certificate
.....
4. If incorporated outside Uganda, provide proof of establishment of a place of business in Uganda and of registration as a foreign company in accordance with the Companies Act.
.....
5. Location of the facility (district, county, sub county, parish and LC1).
.....
6. Type of operating licence applied for e.g. *Importation and exportation, pipeline transportation, surface transportation on land or water, storage, including industrial consumers, wholesale and retail distribution and sales, processing or other operations involving the construction of physical plants e.t.c.*
.....
7. Name and address of existing or proposed supplier(s) of petroleum products.
.....
8. Names, addresses and qualifications of management personnel to be employed for the operation:
.....

9. Date for commencement of operations:
.....
10. Name and address of Insurer
.....
11. Description of the safety programmes and equipment for occupational health, industrial safety and environment
.....
12. Proof of amount of investment to be used, supported by a Bank Reference Letter.
.....
13. Description of safety programmes, equipment and plans for protection of occupational health, industrial safety and the environment during regular operations.
.....
14. Description of contingency plans for accidents, natural disasters or other emergencies.
.....
15. Please provide copies of the following documents-
 - (a) a business Plan;
 - (b) latest Environment Impact Assessment/Audit certificate from NEMA;
 - (c) certificate for completion of construction of facility/Installation;
 - (d) previous copies of operations licence ;
 - (e) investment licence by Uganda Investment Authority ;
 - (f) copy of agreement for supply of petroleum products;
 - (g) certificate of incorporation or registration;
 - (h) insurance policy;
 - (i) proof of payment for application for operating licence;
 - (j) bank reference letter;
 - (k) statement and supporting documents giving particulars of the financial and technical capacity of the applicant to operate a petroleum facility;
 - (l) proof of storage facilities owned, rented or otherwise with minimum ten (10) days average monthly anticipated throughput;
 - (m) in case of application for retail licence and licence for industrial consumers, proof of legally binding supply contracts with licensed wholesalers;

- (n) proof of approval or applications filed for other authorizations required by other Government authorities;
- (o) for applicants for a petroleum transportation licence, provide a list of the trucks to be inspected by the Commissioner, detailing for each truck, the registration number, chassis number, tanker capacity, number of axles, copy of certified calibration chart(s) indicating expiry date, copy of logbook, certificate of road-worthiness, proof of training and experience of driver together with a copy of his/her permit. Where applicable, a copy of a previous Transportation Licence is to be attached.

16. Any other additional information considered relevant to this application.

I/ We(Director), (Director) and (Secretary) declare that all the information given in this application and in the attached documents is true and correct.

Signed:

.....) Director

.....)Director

.....) Secretary

Date:.....

Note: Applications should be made to the Commissioner, Petroleum Supply, Ministry of Energy and Mineral Development.

SCHEDULE 5

Regulation 13

THE PETROLEUM SUPPLY ACT, 2003

THE PETROLU M SUPPLY (GENERAL) REGULATIONS, 2009

PETROLEUM FACILITY CONSTRUCTION PERMIT.

Permit No.....

This is to certify that the application for a Construction Permit received from

M/s _____

of _____

Submitted in accordance with the Petroleum Supply Act, 2003 regarding:

(Title of the application)

has been reviewed and approved for constructing a petroleum facility/installation The application is herewith approved to proceed to construct or modify:

(Type of petroleum facility to be constructed or modified)

This Permit is valid for a period of (.....) days and may be renewed on terms and conditions stipulated by the Petroleum Supply Act, 2003. The obligations of the Permit holder are as stipulated in the Act and Regulations made under the Act.

Failure to observe any of the conditions stipulated may lead to revocation /suspension/ cancellation of this Permit

Dated at _____ on _____

Signed _____
Commissioner/Petroleum Supply Department

SCHEDULE 6

Regulation 13

THE PETROLEUM SUPPLY ACT, 2003

THE PETROLOM SUPPLY (GENERAL) REGULATIONS, 2009

PETROLEUM OPERATING LICENCE.

Licence No.....

This is to certify that the application for a Petroleum Operating Licence

Received from

M/s _____

Of _____

Submitted in accordance with the Petroleum Supply Act, 2003 regarding:

(Title of the application)

Has been reviewed and approved for:

(Purpose of licence)

This Licence Covers ALL Petroleum Products EXCEPT _____

The Licence is valid for a period of..... (...) years and may be renewed on terms and conditions stipulated by the Petroleum Supply Act, 2003. The obligations of the licence holder are as stipulated in the Act and regulations.

Failure to observe any of the regulations may lead to revocation /suspension/ cancellation of this Licence

Dated at _____ on _____

Signed _____
Commissioner/Petroleum Supply Department

HILARY O. ONEK
Minister of Energy and Mineral Development

Cross References

The Companies Act, Cap. 110

The National Environment Act, Cap 153

The National Environment (Environment Impact Assessment) Regulations, SI 153-1