

**THE PETROLEUM DEVELOPMENT AND
MANAGEMENT BILL, 2026**

MEMORANDUM

The objects of this Bill are to—

- (a) provide for the management of the importation, exportation, transportation, distribution, retail, wholesale marketing and storage of a petroleum product;
- (b) establish the Uniform Petroleum Pricing Fund;
- (c) repeal and replace the Petroleum Act, 1930; and
- (d) provide for matters connected with, or incidental to, the foregoing.

M. D. KABESHA,
Attorney-General

**THE PETROLEUM DEVELOPMENT AND MANAGEMENT
BILL, 2026**

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A BILL

ENTITLED

An Act to provide for the management of the importation, exportation, transportation, distribution, retail, wholesale marketing and storage of a petroleum product; establish the Uniform Petroleum Pricing Fund; repeal and replace the Petroleum Act, 1930; and provide for matters connected with, or incidental to, the foregoing.

ENACTED by the Parliament of Zambia.

Enactment

PART I

PRELIMINARY PROVISIONS

5 **1.** This Act may be cited as the Petroleum Development and Management Act, 2026, and shall come into operation on the date appointed by the Minister by statutory instrument. Short title and commencement

2. In this Act, unless the context otherwise requires— Interpretation

 “Assistant Director” means a person appointed as Assistant Director under section 4;

10 “Authority” means the Zambia Revenue Authority established under the Zambia Revenue Authority Act; Cap. 321

 “authorised officer” means a person appointed as an authorised officer under section 28 and includes a person appointed as an inspector under section 23 of the Energy Regulation Act; Cap. 436

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	“bio-fuels” means any fuel derived from biomass and includes bio-diesel and bio-ethanol;	
	“bulk depot” means premises known as marketing installations, where supplies are normally received from a refinery or facility by road, rail, sea or pipeline and from which petroleum products may be exported or delivered directly to consumers;	5
	“National Bulk Procurement System” means a prescribed system that governs the importation of bulk petroleum products into the Republic;	10
	“bulk supplier” means a licensee who supplies a minimum volume of petroleum products, as prescribed;	
Cap. 1	“Civil Service Commission” means the Civil Service Commission established by the Constitution;	
	“Department” means the Petroleum Department referred to under section 3;	15
	“Director” means a person appointed as Director under section 4;	
	“distribution” means the activity of receiving, and delivering petroleum products through an interconnected system of pipelines and any other approved equipment or vessel for conveyance of petroleum products;	20
	“emergency” means an unplanned occurrence that disrupts security of supply of petroleum feedstock and petroleum products and affects the availability of petroleum products;	25
	“end user” means a person, household, industrial or commercial concern or any other entity which purchase petroleum products for own use;	
Cap. 436	“Energy Fund” means the Energy Fund established under the Energy Regulation Act;	30
Cap. 436	“Energy Regulation Board” has the meaning assigned to the words in the Energy Regulation Act;	
	“fossil fuels” means the naturally occurring carbon-based fuels formed from the decomposition and transformation of prehistoric organic matter subjected to heat and pressure over geological time, and includes coal, petroleum, natural gas, bitumen, oil shale, and any other hydrocarbon resource derived from such processes, whether in solid, liquid or gaseous form;	35

- “hoard” means the intentional withholding, stockpiling, diversion or refusal to sell a petroleum product by a licensee for the purposes of —
- (a) creating artificial scarcity;
 - 5 (b) manipulating prices;
 - (c) securing undue commercial advantage; or
 - (d) reserving a petroleum product for specific customers where the action results in denying access to the public;
- 10 “Fund” means the Uniform Petroleum Pricing Fund established under section 24;
- “Fund Manager” means a person appointed to administer and manage the Fund as prescribed;
- 15 “licence” has the meaning assigned to the word in the Energy Regulation Act; Cap. 436
- “licensee” has the meaning assigned to the word in the Energy Regulation Act; Cap. 436
- “local authority” has the meaning assigned to the words in the Constitution; Cap. 1
- 20 “minimum stock days” means minimum quantity of petroleum products stored to meet the national demand from time to time;
- “oil marketing company” means a company licensed to import, export or distribute petroleum products;
- 25 “petroleum” means a gaseous, liquid or solid fuel complex mixture of hydrocarbons, which can be—
- (a) naturally occurring, extracted from underground reservoirs and refined onto fuels, lubricants and petrochemicals; and
 - 30 (b) man-made, produced through chemical processes like coal liquefaction, biomass conversion or any other processes;
- “petroleum feedstock” means crude oil or commingled or non-commingled petroleum product to be imported or exported for purposes of processing in the refinery that meets the required refinery specifications;
- 35 “petroleum product” includes premium motor spirit, gas oil, illuminating kerosene, fuel oils, lubricants, liquefied petroleum gas, commercial butane, petroleum bitumen,

	bituminous mixtures based on natural asphalt on natural bitumen and mineral tar pitch, blended fuels, jet A1 and aviation gasoline, associated natural gas and bio-fuels;	
	“petroleum storage licence” means a licence to store a petroleum product issued in accordance with section 17;	5
Act No. 18 of 2023	“public-private partnership” has the meaning assigned to the words the Public-Private Partnership Act, 2023;	
	“pump price build up” means the accumulation of different cost elements forming the pump price;	
Act No. 8 of 2020	“procuring entity” has the meaning assigned to the words in the Public Procurement Act, 2020;	10
	“retail site” means a fuel filling station licensed by the Energy Regulation Board for purposes of retailing petroleum products to an end user;	
Cap.1	“State institution” has the meaning assigned to the words in the Constitution;	15
Cap.472	“road” has the meaning assigned to the word in the Public Roads Act;	
	“strategic petroleum reserve” means a stockpile of petroleum products at reserves designated by the Department for future or emergency use;	20
	“supplier” means a person or government entity whose bid to perform a contract has been accepted by the procuring entity; and	
	“uniform petroleum pricing” means equalisation of retail prices of petroleum products throughout the Republic.	25

PART II

ADMINISTRATION

Petroleum Department	<p>3. (1) The Petroleum Department, in the ministry responsible for energy, is responsible for the administration of this Act, under the general direction of the Permanent Secretary in the ministry responsible for energy.</p> <p>(2) Despite the generality of subsection (1), the functions of the Department are to—</p> <p>(a) coordinate and manage the procurement of petroleum feedstock and petroleum products;</p> <p>(b) facilitate the management of strategic petroleum reserves;</p> <p>(c) validate the claims and contributions under the uniform petroleum pricing mechanism in the Republic;</p>	30 35
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- (d) provide policy guidance and support to relevant institutions on matters relating to petroleum management;
- (e) coordinate the development and implementation of national, bilateral and multilateral petroleum programmes;
- 5 (f) collaborate with State institutions, the private sector and international organisations on matters relating to petroleum;
- (g) encourage public-private partnerships and private investments in the petroleum industry; and
- 10 (h) advise the Minister on policy matters relating to petroleum development and management.

4. (1) The Civil Service Commission shall appoint a Director as a public officer, who is responsible for the administration of the functions of the Department.

Director,
Assistant
Directors
and other
staff

- 15 (2) The Civil Service Commission shall appoint Assistant Directors and other staff of the Department, as public officers, that the Civil Service Commission considers necessary for the administration and implementation of this Act.

- 20 (3) The Director may, in writing, delegate the exercise of any of the functions conferred on the Director by this Act to an Assistant Director or other staff that the Director considers necessary.

PART III

SUPPLY, PROCUREMENT AND SPECIFICATION OF PETROLEUM PRODUCTS

- 25 5. (1) A person shall not import, export, transport, distribute, retail or wholesale market a petroleum product without a licence issued in accordance with the Energy Regulation Act.

Prohibition
of
importation,
exportation,
transportation,
distribution,
retail and
wholesale
marketing of
petroleum
product
without
licence

(2) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to the penalty specified under section 10(2) of the Energy Regulation Act.

Cap. 436

Cap. 436

- 30 6. The National Bulk Procurement System for the importation of a petroleum product in bulk shall be as prescribed.

National
Bulk
Procurement
System

7. The procedure for the procurement of bulk petroleum products shall in the case of a—

Procurement
of bulk
petroleum
products

10 No. of 2026] Petroleum Development and Management

Act No. 8 of 2020	(a) public procurement, be in accordance with the Public Procurement Act, 2020; and (b) private sector procurement, be as prescribed.	
Supply of petroleum products by bulk supplier	8. (1) A bulk supplier shall supply a petroleum product in bulk if the bulk supplier is contracted to import a petroleum product under the National Bulk Procurement System. (2) Despite subsection (1), the Minister may, in the case of an emergency, authorise, in writing, a licensee who is not contracted to import a petroleum product under the National Bulk Procurement System to supply a petroleum product in bulk. (3) Subsections (1) and (2) do not apply to an oil marketing company that is not licensed to import a petroleum product in accordance with the Energy Regulation Act.	5 10
Cap. 436		
Specifications relating to petroleum product	9. (1) A person that intends to import a petroleum product into the Republic shall ensure that the petroleum product conforms to— (a) the approved quality standards in accordance with the Standards Act; and (b) approved cargo formulation specifications, as prescribed. (2) Despite subsection (1), a person that uses or produces bio-fuels in the Republic shall ensure that the— (a) use or production of bio-fuels conforms to the approved specifications under the Standards Act; and (b) bio-fuels are blended with fossil fuels at a prescribed ratio. (3) A person who contravenes subsection (1)(a) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both. (4) A person who contravenes subsection (1)(b) commits an offence and is liable, on conviction, to a fine not exceeding twenty percent of the value of the cargo or consignment.	15 20
Cap. 416		
Cap. 416		
Environmental specifications relating to use of petroleum	10. A licensee shall, when dealing with a petroleum product, conform to environmental standards set out under the Standards Act, Environmental Management Act, Energy Regulation Act and any other written law.	25 30 35
Cap. 416 Cap. 204 Cap. 436		

PART IV

OFFLOADING AND TRANSPORTATION OF PETROLEUM PRODUCT

11. (1) A petroleum product shall be offloaded in accordance with prescribed procedures. Offloading of petroleum product
- 5 (2) A transporter of an imported petroleum product shall, where the imported petroleum product is transported by a foreign registered tanker, offload the petroleum product at a bulk depot.
- (3) Despite subsection (2), the Minister may, in the case of an emergency and where the petroleum product is tested and conforms to the national petroleum standards under the Standards Act, authorise a transporter referred to under subsection (2) to offload the petroleum product at a retail site or end user, as prescribed. Cap. 416
- (4) Subject to subsection (3), a person who contravenes subsection (2) commits an offence and is liable, on conviction, to a fine not exceeding five hundred thousand penalty units or to imprisonment for a term not exceeding five years, or to both.
12. (1) A bulk supplier that transits a petroleum product through the Republic to another country shall not offload the petroleum product within the Republic. Prohibition of offloading petroleum product in transit within Republic
- 20 (2) A bulk supplier that transits a petroleum product in accordance with subsection (1) shall declare the volume of the petroleum product to the relevant authority at the port of entry and exit.
- (3) A person that contravenes—
- 25 (a) subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both; and
- (b) subsection (2) commits an offence and is liable, on conviction, to the penalty specified under the Customs and Excise Act. Cap. 322
- 30
13. (1) A petroleum product shall be transported by road, rail, through the pipeline or by any other prescribed means. Transportation of petroleum product
- (2) A person transporting a petroleum product using a petroleum tanker shall park the petroleum tanker at a place designated or reserved for parking a petroleum tanker by any relevant written law.
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Contribution to be paid by holder of licence to retail petroleum product

14. (1) A holder of a licence to retail petroleum product, whose cost of transportation of a petroleum product is lower than the transport cost set in the pump price build up, shall pay a contribution to the Fund at the end of each month in a prescribed manner and form.

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(2) The contribution referred to under subsection (1), shall be the difference between the transport cost set in the pump price build up and the cost of transportation of a petroleum product incurred by the holder of a licence to retail petroleum product.

Claim by holder of licence to retail petroleum product

15. (1) A holder of a licence to retail petroleum product shall, where the cost of transportation of a petroleum product is higher than the transport cost set in the pump price build up, lodge a claim for the difference as prescribed.

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(2) The amount of the claim referred to under subsection (1) shall—

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(a) be the difference between the transport cost set in the pump price build up and the applicable cost of transportation of a petroleum product approved by the Energy Regulation Board; and

(b) not be based on the actual cost of transportation of a petroleum product incurred by the holder of a licence to retail petroleum product.

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(3) Despite subsection (2) (a), the Energy Regulation Board may, in exceptional circumstances and subject to conditions as the Energy Regulation Board may determine, approve a temporary deviation from the standard cost of transportation where the Energy Regulation Board is satisfied that—

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(a) the circumstances are extraordinary and beyond the control of the licensee; and

(b) reliance on the standard cost of transportation would result in material market distortion or a threat to security of supply of petroleum products.

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(4) The manner of determining a claim made under this section shall be prescribed.

Remittance of transport differential

16. A holder of a licence to import a petroleum product using a pipeline shall remit, into the Energy Fund, the transport differential between the transportation cost using the pipeline and the applicable cost of transportation of a petroleum product approved by the Energy Regulation Board, as prescribed.

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PART V

LICENCE FOR STORAGE OF PETROLEUM PRODUCT

- 5 **17.** (1) A person shall not store a petroleum product of at least two hundred litres but not exceeding ten thousand litres without a licence issue under this Act. Prohibition of storage of petroleum product without licence
- (2) A person that contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding one million penalty units or to imprisonment for a term not exceeding ten years, or to both.
- 10 **18.** (1) A person who intends to store a petroleum product of at least two hundred litres but not exceeding ten thousand litres shall apply for a licence to a local authority in a prescribed manner and form on payment of a prescribed fee. Application for licence to store petroleum product
- (2) A local authority shall, within thirty days of the receipt of an application under subsection (1), approve or reject the application.
- 15 (3) A local authority shall, where an applicant satisfies the prescribed requirements, issue the applicant with a petroleum storage licence in a prescribed manner and form.
- (4) A local authority shall, where the local authority rejects an application, inform the applicant, in writing, stating the reasons for the rejection.
- 20 (5) A petroleum storage licence issued under this section shall be valid for a prescribed period.
- 19.** (1) A holder of a petroleum storage licence may, thirty days before the expiration of the validity of the petroleum storage licence, apply to a local authority for a renewal of the licence in a prescribed manner and form on payment of a prescribed fee. Renewal of petroleum storage licence
- (2) Section 18 shall apply to an application for the renewal of a petroleum storage licence under subsection (1).
- 30 **20.** (1) Subject to the other provisions of this Act, a local authority may suspend or revoke a petroleum storage licence if the holder of the petroleum storage licence— Suspension or revocation of petroleum storage licence
- (a) obtained the petroleum storage licence through fraud, misrepresentation or concealment of a material fact;
- 35 (b) fails to comply with a term or condition of the petroleum storage licence; or
- (c) contravenes a provision of this Act or any other relevant written law.

(2) A local authority shall, before suspending or revoking a petroleum storage licence in accordance with subsection (1), notify the holder of the petroleum storage licence in a prescribed manner and form of the local authority's intention to suspend or revoke the petroleum storage licence and shall—

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(a) give reasons for the intended suspension or revocation; and

(b) require the holder of the petroleum storage licence to show cause, within a period of not more than thirty days, why the petroleum storage licence should not be suspended or revoked.

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(3) A local authority shall not suspend or revoke a petroleum storage licence under this section if the holder of the petroleum storage licence takes remedial measures to the satisfaction of the local authority within the period referred to under subsection (2) (b).

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(4) A local authority may suspend or revoke a petroleum storage licence if the holder, after being notified under subsection (2), does not—

(a) show cause to the satisfaction of the local authority why the petroleum storage licence should not be suspended or revoked; or

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(b) take remedial measures to the satisfaction of the local authority within the period specified in subsection (2)(b).

(5) A holder of a petroleum storage licence that is revoked shall, within thirty days of being notified of the revocation, surrender the petroleum storage licence to a local authority.

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(6) A person who contravenes subsection (5) commits an offence.

(7) Subject to subsection (8), a person whose petroleum storage licence is revoked may apply for re-issuance of the petroleum storage licence in a prescribed manner and form and on payment of a prescribed fee, if that person takes remedial measures to the satisfaction of a local authority.

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(8) An application for re-issuance of a petroleum storage licence may be made within thirty days from the date of the revocation of the petroleum storage licence.

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(9) Where an application for the re-issuance of a petroleum storage licence is not made within thirty days from the date of the revocation, a subsequent application shall be considered to be a fresh application.

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(10) Section 18 shall apply to an application for the re-issuance of a petroleum storage licence under subsection (7).

5 **21.** A holder of a petroleum storage licence issued under this Part shall notify a local authority of any change in the particulars relating to the licence within seven days of the change. Change in details

22. (1) A holder of a petroleum storage licence shall not transfer the licence to another person without the prior approval of a local authority. Transfer of petroleum storage licence

10 (2) A holder of a petroleum storage licence who intends to transfer a petroleum storage licence shall apply to a local authority in a prescribed manner and form on payment of a prescribed fee.

 (3) A local authority shall, within thirty days of the receipt of an application under subsection (2), approve or reject the application.

15 (4) A local authority shall, where the local authority rejects an application under subsection (2), inform the applicant, in writing, stating the reasons for the rejection.

 (5) A local authority shall, where a transferee satisfies the prescribed requirements, cancel the petroleum storage licence issued to the transferor and issue the transferee with a petroleum storage licence in a prescribed manner and form.

23. (1) A person whose petroleum storage licence is destroyed or lost may apply to a local authority for a duplicate licence in a prescribed manner and form on payment of a prescribed fee. Duplicate petroleum storage licence

25 (2) A local authority shall, on receipt of an application under subsection (1), issue to the applicant a duplicate petroleum storage licence.

24. (1) A local authority shall keep and maintain a register of— Register
 (a) holders of petroleum storage licences;
 (b) suspended or revoked petroleum storage licences; and
30 (c) any other information that the local authority may determine.

 (2) The register referred to under subsection (1) shall be open for inspection by members of the public during normal office hours.

35 (3) A local authority shall, on an application by a person, in writing, issue to the person a certified extract from the register or a copy of a petroleum storage licence, on payment of a prescribed fee.

(4) Subject to this Act, a copy of the last printed register shall be *prima facie* evidence in legal proceedings of what is contained in that register.

PART VI

THE INIFORM PETROLEUM PRICING FUND 5

Establishment
of Uniform
Petroleum
Pricing Fund

25. (1) There is established the Uniform Petroleum Pricing Fund for the purposes of —

- (a) ensuring a uniform retail petroleum price in the Republic;
- (b) managing projects related to tracking and monitoring of petroleum transactions; 10
- (c) payment of verified claims to a holder of a licence to retail petroleum products; or
- (d) any other matter relating to the promotion of the uniform petroleum pricing, as may be prescribed.

(2) The Fund consists of monies that may— 15

- (a) be appropriated by Parliament for the purposes of the Fund;
- (b) subject to the Public Finance Management Act, be received by way of grants and donations from any source, with the approval of the Minister; 20
- (c) be paid as contributions by a holder of a licence to retail petroleum products under this Act;
- (d) be payable to the Fund by or under any other written law; and
- (e) vest in, or accrue to, the Fund. 25

(3) Subject to the approval of the Minister responsible for finance, the ministry responsible for energy may, for the purposes of the Fund—

- (a) accept monies by way of grants or donations from a source within or outside the Republic; and 30
- (b) charge and collect fees for services provided by the Department.

Cap. 347

(4) Subject to the Public Finance Management Act, the ministry responsible for energy may invest any monies of the Fund that are not immediately required for the purpose of the Fund. 35

Management
of Fund

26. (1) The Minister may, by statutory instrument, on the recommendation of the Department, make Regulations to provide for—

- (a) the administration and management of the Fund;
(b) the activities that the Fund shall finance and the manner of financing the activities; and
(c) any other matter necessary for the efficient operation, administration and management of the Fund.

(2) The Fund Manager shall ensure that prudent controls are established for the Fund relating to—

- (a) fiscal controls and accounting procedures governing the Fund;
(b) reporting procedures for matters relating to the Fund; and
(c) investment of the monies of the Fund.

27. (1) The Fund Manager shall cause to be kept proper books of accounts and other records relating to the Fund.

Accounts and Audit

(2) The Fund shall be audited annually by the Auditor-General or an auditor appointed by the Auditor-General.

(3) The fees for the audit of the Fund shall be paid from the Fund.

28. (1) The Fund Manager shall, as soon as practicable, but not later than ninety days after the end of the financial year, submit to the Minister a report stating the activities relating to the Fund during the financial year.

Annual report

(2) The report referred to under subsection (1) shall include information on the financial affairs relating to the Fund and there shall be appended to the report—

- (a) an audited statement of financial position;
(b) an audited statement of comprehensive income and expenditure; and
(c) other information that the Minister may require.

(3) The Minister shall, not later than seven days after the first sitting of the National Assembly next after receipt of the report referred to under subsection (1), lay the report before the National Assembly.

PART VII ENFORCEMENT

29. (1) The Civil Service Commission shall appoint suitably qualified persons as authorised officers to ensure compliance with this Act.

Authorised officers

(2) The Department shall issue an authorised officer with an identification card which shall be *prima facie* evidence of the appointment of the authorised officer.

(3) An authorised officer shall, in performing a function under this Act—

(a) be in possession of the identification card referred to under subsection (2); and

(b) show the identification card to a person who requests to see the identification card or is the subject of an inspection or investigation under this Act. 5

Powers of authorised officers

30. (1) An authorised officer may, for the purpose of enforcing the provisions of this Act, at any reasonable time, without prior notice— 10

(a) enter on and inspect any land, building or premises where the authorised officer has reasonable grounds to believe that an offence has been or is likely to be committed under this Act;

(b) search any person found on any land, building or premises where the authorised officer has reasonable grounds to believe that the person is in possession of a book, record, document or article that has a bearing on an inspection, except that a person shall only be searched by a person of the same sex; 15 20

(c) inspect and examine any petroleum product or tanker containing a petroleum product within the Republic, where the authorised officer has reasonable grounds to believe that the provisions of this Act have not been complied with; 25

(d) take extracts from, or make copies of, any book, record, document or article found on a person or on any land, building or premises which is the subject of an inspection; or

(e) seize any petroleum product, petroleum feedstock or tanker containing a petroleum product where the authorised officer has reasonable ground to believe that the petroleum product, petroleum feedstock or tanker containing a petroleum product or petroleum feedstock has been used or is being used for the commission of an offence under this Act. 30 35

(2) An owner or occupier of any land, building or premises shall afford an authorised officer access to any information, record or document for the purpose of an inspection and produce to an authorised officer any information, record, or document that the 40

authorised officer may require for the purposes of carrying out an inspection under this Act.

(3) An authorised officer may, in the performance of the powers of an authorised officer under this section, be accompanied and
5 assisted by a law enforcement officer.

(4) An authorised officer who removes anything from any land, building or premises inspected under this section shall—

(a) issue a receipt for anything removed to the owner, occupier
10 or the person in control of the land, building or premises;
and

(b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.

31. (1) A person commits an offence if that person—

(a) wilfully delays or obstructs on authorised officer in the
15 performance of the authorised officers functions under this Act;

(b) gives an authorised officer false or misleading information in answer to an inquiry made by an authorised officer;

(c) refuses to give an authorised officer reasonable assistance that the authorised officer may require for the purpose of performing the authorised officer's functions; or
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(d) impersonates or falsely represents oneself as an authorised officer.

(2) A person convicted of an offence under subsection (3) is
25 liable, on conviction, to a fine not exceeding two hundred thousand penalty units or to imprisonment for a term not exceeding two years, or to both.

Obstruction
of authorised
officer

PART VIII

GENERAL PROVISIONS

32. (1) There shall be strategic reserves for the purposes of
30 ensuring security of supply of petroleum products in the Republic.

(2) The strategic reserves referred to under section (1) shall be
35 financed through the Energy Fund as provided under the Energy Regulation Act.

Strategic
petroleum
reserves

Cap. 436

33. (1) The Department may, where information is required under this Act, request a person to furnish the Department with the required information, as prescribed.

Request for
information

	(2) In this section, information, includes any documents, accounts, estimates, statistics, returns or report of any description relating to the petroleum sector.	
Submission of stock reports	<p>34. (1) A licensee shall submit stock reports of petroleum products to the Energy Regulation Board, as prescribed. 5</p> <p>(2) A licensee shall, as soon as practicable, notify the Energy Regulation Board of—</p> <p>(a) any anticipated depletion of stocks of petroleum products;</p> <p>(b) supply chain disruptions; or</p> <p>(c) an incident affecting petroleum product availability and quality. 10</p>	
Inspections	<p>35. (1) The Energy Regulation Board may, at any reasonable time—</p> <p>(a) enter and inspect a retail service station; and</p> <p>(b) examine records relating to petroleum product stocks and sales at a retail service station. 15</p> <p>(2) The Energy Regulation Board may, during an inspection under subsection (1)—</p> <p>(a) request the production of a book, record, document or article found on a person or at a retail service station; and 20</p> <p>(b) take extracts from, or make copies of, a book, record, document or article referred to under paragraph (a).</p> <p>(3) The Energy Regulation Board shall, where anything is removed in exercise of the powers under this section— 25</p> <p>(a) issue a receipt for anything removed; and</p> <p>(b) return anything removed as soon as practicable after the thing removed has served the purpose for which it was removed.</p>	
General offences	<p>36. (1) A licensee shall not— 30</p> <p>(a) hoard a petroleum product;</p> <p>(b) withhold the supply of a petroleum product on the pretext that the product is not available;</p> <p>(c) without reasonable excuse, restrict or suspend the sale of a petroleum product where stock is available; 35</p> <p>(d) engage in conduct that results in artificial shortages of a petroleum product; or</p>	

(e) engage in conduct that is likely to distort the availability, distribution or equitable access of a petroleum product.

(2) A licensee shall not give undue preference to, or exercise undue discrimination against, a person or class of persons with respect to the access to supply, or provision of, a petroleum product or services in relation to a petroleum product.

(3) A licensee shall not reserve or allocate a petroleum product exclusively or preferentially for selected customers in a manner that results in reduced availability to the public or similarly circumstanced customers.

(4) Despite subsection (3), a licensee may, on approval by the Energy Regulation Board, reserve a specified quantity of petroleum product for a strategic institution that provides a public service as the Energy Regulation Board determines.

(5) A licensee shall not refuse to sell a petroleum product to a customer where the petroleum product is in stock, except for reasonable operational constraints that the Energy Regulations Board may approve.

(6) A licensee who contravenes this regulation commits an offence and is liable, on conviction, to a fine not exceeding three hundred thousand penalty units or to imprisonment for a term not exceeding three years, or to both.

37. (1) A person aggrieved with a decision of the Director or a local authority under this Act may appeal to the Minister within thirty days from the date of receipt of the decision.

Appeals

(2) A person aggrieved with the decision of the Minister may appeal to the High Court.

38. An action or other proceeding shall not lie or be instituted against the Director, Assistant Director, a member of staff of the Department or an authorised officer for, or in respect of, an act or thing done or omitted to be done in good faith in the exercise or performance of any of the powers, functions or duties conferred under this Act.

Immunity

39. Where an offence under this Act is committed by a body corporate or unincorporate body, with the knowledge, consent or connivance of a director, manager, shareholder or partner of the body corporate or unincorporate body, that director, manager, shareholder or partner commits the same offence as the body corporate or unincorporate body and is liable, on conviction, to the penalty specified for that offence under this Act.

Offence by principal officers of body corporate or unincorporate body

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Guidelines	<p>40. (1) The Department may in the exercise of the functions of the Department under this Act, issue guidelines as are necessary for the better carrying out of the provisions of this Act.</p> <p>(2) The Department shall cause to be published the guidelines issued under this Act in the <i>Gazette</i> and in a newspaper of daily circulation in the Republic or on the website for the ministry responsible for energy.</p> <p>(3) The guidelines published under subsection (1) shall take effect on the date of publication in the <i>Gazette</i> and shall bind the persons regulated under this Act.</p>	5 10
Regulations	<p>41. (1) The Minister may, by statutory instrument, make Regulations for the better carrying out of the provisions of this Act.</p> <p>(2) Despite the generality of subsection (1), Regulations made under this section may provide for the—</p> <ul style="list-style-type: none">(a) method of disposing a contaminated petroleum product;(b) manner of importing, exporting, transporting, storing and distributing of a petroleum product;(c) specification of petroleum products for the blending of bio-fuel and synthetic requirements for the bulk procurement system;(d) maintenance of the minimum stock days by oil marketing companies;(e) use and general management of the strategic petroleum reserves;(f) uniform petroleum pricing mechanism;(g) development and use of new innovative technologies in the petroleum sector; and(h) manner of financing the procurement of bulk petroleum products.	15 20 25 30
Repeal of Cap. 435, and savings and transitional provisions	<p>42. (1) The Petroleum Act is repealed.</p> <p>(2) Despite subsection (1), a licence for the storage of petroleum issued by a local authority under the repealed Act, shall remain valid until expiry or revocation as if the licence was issued under Act.</p>	35