

GUYANA

No. 7 of 2004

**REGULATIONS**

**Made Under**

**THE GUYANA ENERGY AGENCY ACT 1997  
(ACT No. 31 of 1997)**

**ARRANGEMENT OF REGULATIONS**

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**IN EXERCISE OF THE POWERS CONFERRED ON ME BY SECTION 5C, 5 (c) and 33  
OF THE  
GUYANA ENERGY AGENCY ACT 1997, I HEREBY MAKE THE FOLLOWING  
REGULATIONS:**

**PART I  
PRELIMINARY**

- Citation.                   1.       These Regulations may be cited as the Petroleum and Petroleum Products Regulations 2004.
- Interpretation.           2.       In these Regulations, unless the context otherwise indicates, a word or expression as defined in the Act has the same meaning, and –
- “additive” means any substance, other than one composed solely of carbon and hydrogen, that is intentionally added to petroleum and petroleum products and that is not intentionally removed prior to sale or use;
- “approved specification” means any specification or standard applied by the Agency under regulation 41;
- “blending” means the mixing of one or more petroleum products with or without another product if the product obtained by blending is capable of use in the generation of power and is in keeping with the approved specification;
- “bulk quantity” means a single quantity in excess of 2000 litres;
- “business of a wholesaler” means to act as a wholesaler and to conduct any activity reasonably required in connection with petroleum and petroleum products or incidental thereto, including the handling,

possession, conveying and storage of such petroleum and petroleum products;

“CIF” means cost, insurance and freight;

“consumer installation” means a petroleum and petroleum products

installation, including any pump, storage tank and piping used in relation thereto, for the purpose of dispensing petroleum and petroleum products into own or hired petroleum and petroleum products consuming equipment or own or hired vehicles;

“dangerous situation” means –

- (a) a situation that is endangering the safety or health of a person, or the safety of a person’s property; or
- (b) a situation that is creating a risk of significant environmental harm, and includes a petroleum and petroleum products spill;
- (c) abandonment of the premises of a wholesale outlet, retail outlet or consumer installation

“diesel” means a distillate oil which can be used as fuel for the operation of a compression ignition engine and which has an approximate boiling temperature of between 150 °C to 400 °C;

“gas” means liquid or non-liquid gas which can be used as fuel for the operation of a spark ignition engine or flame or heat generating appliance;

“inspector” means a person appointed as such by the Agency under section 13(1) of the Act and includes the Chief Executive Officer (CEO) and the Deputy Chief Executive Officer (DCEO);

“licence” means an import licence, wholesale licence, retail licence, consumer installation licence, storage licence, a bulk transportation licence or any other licence issued by the Agency;

“licensed premises” means the premises in respect of which a wholesale or retail licence is granted and which premises are described and specified in the licence;

“operate” means to conduct the activities of an operator;

“operate a consumer installation” means to install and to conduct the activity of an operator in respect of such an installation, and to conduct any activity reasonably required in connection with petroleum and petroleum products or incidental thereto, including the obtaining, handling, possession, storage and dispensing of such petroleum and petroleum products;

“operate a retail outlet” means to conduct the activity of an operator in respect of the outlet, and to conduct any activity reasonably required in connection with petroleum and petroleum products incidental thereto, including the obtaining, handling, possession and storage of such petroleum and petroleum products;

“operator” means a person who is responsible for the day to day activities

of a retail outlet or consumer installation, whether or not the person is located on the relevant premises during business hours and whether or not the person is the owner of the retail outlet or consumer installation and, in the case of a retail outlet, if such activities are for profit;

“petrol” means a light distillate fuel which can be used as fuel for the operation of a spark ignition engine and which has an approximate boiling temperature of between 30 °C to 200 °C;

“petroleum and petroleum products” means petrol, diesel, bunker-C and any other heavy oils, liquefied natural gas, liquefied petroleum gas, aviation fuel, kerosene and any other hydrocarbon-based fuel source or product of the petroleum refining process, whether in liquid or gaseous form;

“petroleum and petroleum product spill” means the discharge of any petroleum and petroleum products onto or into any land or water, and volatilisation into the air whether caused accidentally or otherwise;

“plant” includes –

- (a) any machine, engine, equipment, container or device;
- (b) any component, fitting, pipe or accessory used in or in connection with any machine, engine, equipment, container or device;

“relevant premises” means –

- (a) in the case of a retail licence-holder, the licensed premises;

(b) in the case of a wholesale licence-holder, the premises where the wholesale licence-holder's storage facilities are situated;

“retail licence” means a licence issued under regulation 6;

“retail licence-holder” means the holder of a retail licence;

“retail outlet” means any place from where petroleum and petroleum products are sold or are offered for sale to consumers for purposes of use or consumption;

“retail sale” means the sale of petroleum and petroleum products at a retail outlet;

“site” means --

(a) in the case of a below-ground storage tank or an above-ground storage tank that is permanently fixed to the ground, the premises on which such storage tank is installed;

(b) in the case of an above-ground storage tank that is not permanently fixed to the ground, the premises where activities in connection with such consumer installation are conducted;

“storage facility” means a facility in which any petroleum and petroleum products are stored, including a storage facility at a harbour terminal or inland depot;

“storage tank” means a closed container that is used for storing petroleum and petroleum products;

“vessel” means any container in which petroleum and petroleum products are stored whether stationary or not;



- (b) designate as many persons as are necessary for the performance or exercise of its powers, duties and functions under these Regulations.

(5) The Agency shall, in making a decision in respect of the issue of a licence take into account such matters, in so far as they are applicable, as are likely to –

- (a) promote an efficient and competitive petroleum industry;
- (b) facilitate an environment conducive to investment and fair competition;
- (c) ensure countrywide availability of petroleum and petroleum products at competitive prices;
- (d) ensure compliance with product quality;
- (e) ensure compliance with environmental, health and safety standards;
- (f) promote employment opportunities and small business development in the petroleum sector.

(6) An applicant for a licence may utilise any form in the Second Schedule with any necessary modification.

Second  
Schedule

*Retail Licence*

5. (1) A person desiring to operate a retail outlet shall apply to the Agency in Form PP/1 in the Second Schedule, and shall lodge the application with the Agency together with the required fees and documents or records required by these

Second  
Schedule.  
Form PP/1.

## Regulations.

- (2) An applicant for a retail licence shall attach to the application -
- (a) a certified copy of the applicant's identity document and, in the case of a non Caricom national, a permanent residence permit or a valid work permit.
  - (b) a certified copy of its registration or incorporation documents where the applicant is a company;
  - (c) a certified copy of an environmental permit and where an environmental impact assessment study has been conducted, a certified copy of the document setting out the outcome of the study;
  - (d) a police clearance certificate;
  - (e) if not a first time applicant, a tax compliance certificate issued by the Guyana Revenue Authority;
  - (f) if applicable, a written confirmation by the supplying wholesaler, if the applicant is not a wholesaler, that the wholesaler agrees to supply petroleum and petroleum products to the applicant and a list of all buildings, structures and plant and any other item or assistance such wholesaler agrees to supply to the applicant in the event of a successful application;
  - (g) approved plans, final design or construction drawings of all

buildings, roadworks, structures and plant to be erected on the proposed premises, including the location of the proposed premises and a general layout plan thereof, including confirmation of meeting industry standards with respect to buildings, quantities and sizes of tanks, number of pumps, piping and materials;

- h) any permits required for the facilities, including those of the Guyana Fire Service, Guyana National Bureau of Standards and Central Housing and Planning Authority; copies of required Revenue licences;
- i) proof of ownership of land or evidence of right to occupy same;
- j) a signed declaration of the number of retail outlets already operated by the applicant, if any;
- k) a copy of the petroleum licence issued by the Guyana Fire Service;
- (l) revenue licences;
- (m) Guyana National Bureau of Standards certificate verifying pump accuracy.

First  
Schedule

(3) An applicant for a retail licence shall submit the application

together with the appropriate application fee stated in the First Schedule.

Grant, issue and  
form of retail  
licence.

6. (1) The Agency shall consider an application for a retail

licence and may, subject to these Regulations and after consideration of any comments made under regulation 27 -

- (a) refuse the application stating the reasons therefor; or
- (b) grant the application and issue a retail licence to the applicant subject to the general conditions set out in regulation 8(1) and such further special conditions as the Agency may determine in accordance with regulation 8(2).

(2) The Agency shall issue a separate retail licence for each retail outlet an applicant intends to operate.

(3) The Agency may refuse an application if the past conduct of the applicant affords reasonable grounds for belief that the activities to be conducted pursuant to the retail licence shall not be conducted in accordance with these Regulations and in a safe manner.

(4) The Agency shall issue a retail licence under this Part upon payment of the fee stated in the First Schedule.

(5) Subject to compliance with the Act and these Regulations and any other law, a retail licence is valid from the date of issue and remains valid for one year and is renewable on the anniversary of its issue upon a written request therefor to the Agency and on payment of the prescribed fees.

7. (1) In making a decision in respect of the grant, issue or amendment of a licence under regulation 31, or any other matter pertaining to a retail

First  
Schedule.

Criteria for  
decisions  
relating retail  
licence.

licence, the Agency shall take the following matters, in so far as they are applicable, into account-

- (a) the protection of employees, public safety and health through coordination with the relevant authorities;
- (b) the protection of the environment;
- (c) the record of compliance with the Act, these Regulations and any other law;
- (d) the suitability of the premises concerned with regard to safety, health, security, hazardous substances, environment and town planning requirements, in coordination with the relevant authorities;
- (e) the need for facilities and services to be provided for consumers at the location concerned and the extent to which the interests of petroleum products consumers shall be served;
- (f) the avoidance of monopolistic conditions in the petroleum or petroleum products retail industry and the maintenance of fair and reasonable competition;
- (g) any comments by the Environmental Protection Agency to which the matter was referred under regulation 27;
- (h) any other matter relevant to the orderly provision of petroleum or petroleum products; and
- (i) the applicant dealings, if any, in illegal petroleum and petroleum products.

(2) The Agency may require the person with regard to whom a decision referred to in paragraph (1) has to be made, to submit additional information to the Agency relating to matters mentioned in paragraph (1) in order to enable the Agency to make an informed decision regarding the grant, issue or amendment of, or any other matter pertaining to the retail licence.

**Conditions of  
retail licence.**

8. (1) General conditions that apply to retail licences include the following, that the retail licence-holder -
- (a) shall at all times comply with the Act, these Regulations and any other law, including laws relating to labour, safety, hazardous substances, security, health and environment;
  - (b) shall immediately inform the Agency of any dangerous situation arising from the conduct of activities authorised under the retail licence, including the steps taken or proposed to be taken by the licence-holder to rectify such situation or to eliminate or minimise the danger arising from such situation;
  - (c) shall keep such records and shall submit such information to the Agency as required by or under these Regulations;
  - (d) shall comply with the provisions of these Regulations and any other law relating to petroleum products spills;
  - (e) may not abandon the licensed premises otherwise than in accordance with these Regulations;
  - (f) shall ensure that petroleum and petroleum products sold to

applicable by the Bureau of Standards or any law;

- (g) shall at all times hold a licence relating to the sale of petroleum and petroleum products at the retail outlet;
- (h) may not possess, obtain, store or offer for sale any petroleum and petroleum products from any person other than a licenced importer or wholesale licence-holder.

(2) The Agency may determine special conditions applicable to a retail licence for -

- (a) the reporting of dangerous situations or accidents;
- (b) the preparation and submission to the Agency of assessments of the safety, health, environment and security risks associated with the activities authorised under the retail licence;
- (c) the safe disposal of petroleum and petroleum products, including the collection and discarding of used oil generated or collected through the operation of the retail outlet and any associated service stations;
- (d) insurance against or guarantee for, petroleum product spills, which insurance or guarantee shall cover the cost involved in the cleaning-up of such spills.

(4) A person who contravenes, or fails to comply with a provision of paragraph (1), commits an offence punishable under regulation 65 (1)(a).

9. (1) A retail licence-holder may only sell petroleum and petroleum products in bulk quantities by dispensing it directly into -

Bulk quantity  
sale.

(a) a container used for the storage of petroleum and petroleum products, other than the tank of a vehicle;

(b) the tank of a vehicle with a mass of 3,500 kilograms or more for purposes of propelling such vehicle.

(2) A person who fails to comply with the provisions of paragraph (1) commits an offence punishable on summary conviction under regulation 64 (a).

Commencement  
and cessation of  
business under  
retail licence.

10. (1) A retail licence-holder shall commence retail sales at the licensed premises within a period of six months after the date on which a retail licence has been issued.

(2) During the validity of a retail licence, if the retail licence holder wishes to close the licensed premises for whatever reason for a continuous period of more than three months, the retail licences holder must:-

(a) Seek the permission of the agency in writing within a reasonable period before the proposed date of closure detailing the reason(s) for the closure; or

(b) in the case of an emergency the communication to the agency can be done within the first consecutive three (3) months of the closure.

Failure to comply with the provisions above may result in the cancellation of the licence by the agency after giving the licence holder a reasonable opportunity of making representations.

Information to be  
submitted to the  
Agency by  
the retail  
licence-holder.

11. (1) The Agency may by written notice request that a retail licence-holder make written submissions to the Agency within twenty-one days from receipt of the notice of -



- (a) information the Agency may request regarding any dangerous situation existing on the licensed premises and the remedial measures taken in respect thereof; and
- (b) information the Agency may request in order to enable the Agency to effectively exercise its powers under these Regulations.

(2) A retail licence-holder shall submit to the Agency, during the currency of the licence, not later than 15<sup>th</sup> of each month, the following information in respect of the preceding month –

Second  
Schedule.  
Form PP/1.

- (a) any change of the information supplied under regulation 5 and Form PP/1 in the Second Schedule;
- (b) opening and closing petroleum and petroleum products stock , stating -
  - (i) different types;
  - (ii) quantity of each type in kilolitres;
  - (iii) unit value of each type per litre.
- (c) in the case of petroleum and petroleum products bought locally and not purchased through the Agency –
  - (i) the name and address of the seller;
  - (ii) the type and specification of the petroleum and petroleum products bought; and
  - (iii) the quantity bought and price paid per unit in kilolitres on a monthly basis.
- (d) in the case of petroleum and petroleum products sold locally-

- (i) the type of petroleum and petroleum products sold;
  - (ii) the quantity sold in kilolitres on a monthly basis; and
  - (iii) the unit selling price per litre and all variations as they may occur.
- (3) A person who fails to comply with any of the provisions of paragraph (1), or (2) commits an offence punishable on summary conviction under regulation 65 (1) (a).

*Wholesale Licence*

Application for  
wholesale  
licence  
Second  
Schedule.  
Form PP/2.

12. (1) A person desirous of conducting business as a wholesaler shall apply to the Agency for a wholesale licence in Form PP/2 in the Second Schedule, and shall lodge the application with the Agency together with any other documents or records as may be required by these Regulations.
- (2) An applicant shall lodge with the application for wholesale licence the following -
- (a) a certified copy of the applicant's identity document and, in the case of a non Caricom national, permanent residence permit or valid work permit;
  - (b) if the applicant is a body corporate, a certified copy of its registration or incorporation documents;
  - (c) a list of all retail outlets which at the time of the application the applicant intends to supply with petroleum and petroleum products;

- (d) a list of the ports of entry through which the petroleum and petroleum products will enter Guyana;
- (d) a list of all storage facilities the applicant intends to use including shared storage facilities, stating -
  - (i) the location of the storage facilities;
  - (ii) the type and capacity of the storage facilities for each type of petroleum and petroleum products;
  - (iii) the ownership of the storage facilities (including the ownership of the land on which the storage facilities are situated, if different) and, in the case of shared ownership, the basis of sharing;
  - (iv) the names of other wholesalers sharing the same storage facilities, if any;
- (e) if not a first time applicant, a tax compliance certificate issued by the Guyana Revenue Authority;
- (g) a police clearance certificate, if the applicant is an individual;
- (h) in the case of storage facilities to be erected, approved plans, of buildings, roadworks, structures and plant, including the location thereof, and in the case of existing storage facilities, the as-built drawings of buildings, roadworks, structures and plant, including the location thereof;
- (i) a certified copy of an environmental permit and where an environmental impact assessment study has been conducted a

certified copy of the document, setting out among other things, the outcome of the study;

(j) proof of ownership of land or evidence of right to occupy same.

(3) The Agency may request additional information from an applicant to enable it to make an informed decision regarding the issue of the wholesale licence

(4) An applicant for a wholesale licence or importing wholesale licence shall submit the application together with the appropriate application fee stated in the First Schedule.

First  
Schedule.

Grant, and  
issue of  
wholesale  
licence.

13. (1) The Agency shall consider an application for a wholesale licence and may -

(a) refuse the application stating the reasons therefor;

(b) grant the application and issue a wholesale licence to the applicant subject to the general conditions set out in regulation 15(1) and such further special conditions as the Agency may determine in accordance with regulation 15(2);

(c) grant the application and issue an importing wholesale licence to the applicant subject to the general conditions set out in regulation (15).

(2) The Agency may refuse an application if the past conduct of the applicant affords reasonable grounds for the belief that the activities to be conducted pursuant to the wholesale licence shall not be conducted in accordance with these Regulations.

First  
Schedule.

(3) The Agency shall grant and issue a wholesale licence or an importing wholesale licence under this Part upon payment of the appropriate fee as stated in the First Schedule.

(4) A wholesale licence or an importing wholesale licence is valid from the date of issue and remains valid for one year. Subject to the compliance with the Act, these Regulations and any other law, a licence is renewable on the anniversary of its issue upon a written request therefor to the Agency and the payment of the required fees.

Criteria for  
decisions  
relating to  
wholesale  
licence.

14. (1) In making a decision in respect of the grant or issue, or the amendment under regulation 31 of, or any other matter pertaining to, a wholesale licence, the Agency shall take the following matters, in so far as they are applicable, into account-

- (a) the matters listed in the provisions of regulation 7 (1)(a), (b), (c), (f), (g), (h) and (i) for which purpose the Agency shall construe any reference in those provisions to "retail sale" as a reference to wholesale sale;
- (b) the suitability of the storage facilities proposed to be used with regard to safety, health, security, hazardous substances, environment and town planning requirements;
- (c) the need for import and distribution of wholesale petroleum or petroleum products to be provided;
- (d) any significant negative impact such decision may have on the energy sector;
- (e) the extent to which the interests of petroleum and petroleum products consumers shall be served; and

(f) any other matter relevant to the orderly provision of petroleum or petroleum products.

(2) The Agency may request the person with regard to whom a decision referred to in paragraph (1) has to be made, to submit additional information to the Agency relating to matters mentioned in that paragraph, in order to enable the Agency to make an informed decision regarding the grant, issue or amendment or any other matter pertaining to the wholesale licence.

Conditions of  
wholesale  
licence.

15. (1) General conditions that apply to wholesale licences include the following : that the wholesale licence-holder -

- (a) shall at all times comply with the Act, these Regulations and any other law, including laws relating to labour, safety, hazardous substances, security, health and environment;
- (b) may sell petroleum and petroleum products only in bulk quantities;
- (c) if he sells petroleum and petroleum products to a person other than a retail licence-holder, consumer installation licence-holder, Government institution, local democratic organ or any person approved by the Agency, the provisions of regulation 9 shall apply with any necessary changes;
- (d) may not sell petroleum and petroleum products to a person referred to in sub-paragraph (c) from a place other than from a dispensing point situated at the premises of the wholesaler;
- (e) shall obtain licences and permits as required under these

Regulations or any other law prior to any import or wholesale sale of petroleum and petroleum products;

- (f) shall import petroleum and petroleum products through the Agency;
- (g) shall keep records and shall submit the information relating thereto to the Agency as may be required from time to time by the Agency under these Regulations;
- (h) shall ensure that petroleum and petroleum products imported or distributed comply with approved specifications as made applicable under these Regulations;
- (i) may only abandon storage facilities in accordance with these Regulations and any other law;
- (j) shall pay all duties, levies and taxes to the Guyana Revenue Authority;
- (k) shall inform the Agency in writing, of any changes to be effected to storage facilities prior to effecting such changes;
- (l) shall immediately inform the Agency of any dangerous situation arising from the conduct of activities authorised under the licence, including the steps taken or proposed to be taken by the licence-holder to rectify the situation or to eliminate or minimise the danger arising from the situation;
- (m) an applicant for a licence may utilize any form in the Second Schedule with any necessary modification, and pay the prescribed

Second  
Schedule

First Schedule

fee in the First Schedule for a transportation licence for the vehicle, vessel or fuel barge before transporting bulk quantity of petroleum and petroleum products;

- (n) shall adhere to fair pricing and commercial practices and reasonable competition policies within the industry.
- (o) shall ensure that every vehicle or vessel is licensed to transport bulk petroleum and petroleum products before any fuel is discharged into the vehicle or vessel
- (p) shall display on the vehicle or vessel the signage issued by the Agency.

(2) The Agency may make special conditions applicable to a wholesale licence relating to -

- (a) the reporting of dangerous situations or accidents;
- (b) the preparation and submission to the Agency of assessments of the safety, health, environment and security risks associated with the activities authorised under the wholesale licence;
- (c) the safe disposal of petroleum and petroleum products, including the collection and discarding of used oil generated or collected through the operation of the wholesale outlet and any associated service stations;
- (d) insurance against, or guarantee for, petroleum and petroleum products spills which insurance or guarantee covers the cost involved in the cleaning-up of such spills.



(3) The Agency may request additional information from an applicant to enable it to make an informed decision regarding the issue of the wholesale licence.

(4) If requested by the Agency, the licence-holder shall bear the costs involved in conducting specification tests required by the Agency of a product being sold under the wholesale licence by the wholesale licence-holder.

(5) A wholesale licence holder who contravenes, or fails to comply with a provision of paragraph (1), (2) or (3), commits an offence punishable on summary conviction under regulation 65 (1) (a).

16. (1) A wholesale licence-holder shall supply to the Agency, on written notice given by the Agency and within the period specified in the notice information the Agency may request -

- (a) regarding any dangerous situation existing on his premises and remedial measures taken in respect thereof;
- (b) regarding the storage and place of storage of petroleum and petroleum products by the wholesaler;
- (c) in order to enable the Agency to effectively exercise its powers under these Regulations.

(2) A wholesale licence-holder shall submit to the Agency, during the currency of the licence, not later than the 15<sup>th</sup> day of each month the following information in respect of the preceding month-

- (a) opening and closing petroleum and petroleum products stock stating -
  - (i) different types of petroleum and petroleum products;

Information to be submitted to the Agency by the wholesale licence-holder.

- (ii) quantity of each type of petroleum and petroleum products in kilolitres; or
  - (iii) unit value of each type of petroleum and petroleum products per litre.
- (b) in the case of petroleum and petroleum products not purchased through the Agency -
- (i) the technical specification of the type of petroleum and petroleum products;
  - (ii) the CIF price paid per shipment during the month specified, according to the different petroleum and petroleum products;
  - (iii) the quantity of each petroleum and petroleum products purchased in kilolitres;
  - (iv) the name and address of the seller.
- (c) in the case of petroleum and petroleum products bought locally --
- (i) the name and address of the seller;
  - (ii) the type of petroleum and petroleum products bought;
  - (iii) the quantity bought and price paid per litre of each type of petroleum and petroleum products.
- (d) in the case of petroleum and petroleum products sold locally -
- (i) the name and address of the buyer;
  - (ii) the type of petroleum and petroleum products sold;
  - (iii) the quantity sold in kilolitres and the selling price and

variations, as they may occur on a monthly basis.

- (e) the total quantity of petroleum and petroleum products and their respective unit prices imported, specified according to the different petroleum and petroleum products and dated per shipment;
- (f) in the case of petroleum and petroleum products imports, the source from where those products were obtained (the name of the seller);
- (g) all ports of entry used with regard to the import of petroleum and petroleum products;
- (h) the cost, insurance and freight (CIF) price of each type of petroleum and petroleum products referred to in sub-paragraph (d) at the date of import;
- (i) the selling price of each type of such products referred to in subparagraph (d) stating the price variations throughout the year dated per shipment;
- (j) a list of all storage facilities used, including shared storage facilities, with specific reference, according to different petroleum and petroleum products, to -
  - (i) the location of the storage facilities;
  - (ii) the capacity of the storage facilities;
  - (iii) the ownership of the storage facilities (including the ownership of the land on which the storage facilities are situated, if different) and, in the case of shared ownership,

- the basis of sharing; and
- (iv) the names of other wholesalers sharing the same storage facilities.
- (k) retail outlets and consumer installations which it supplied, or which it discontinued to supply, with petroleum and petroleum products, specifying the name of the retail licence-holder, the number of the retail licence, the name of the retail outlet, the location of the retail outlet, and the total quantity of petroleum and petroleum products supplied to the retail outlet during the period specified according to the different petroleum and petroleum products;
- (l) any other person other than a person mentioned in subparagraph (k) to whom any petroleum and petroleum products were supplied, specifying the name and address of such person and the total quantity of petroleum and petroleum products supplied to such person during the period specified according to the different petroleum and petroleum products, and price per unit of each type of petroleum and petroleum products with the date of each such supply;
- (m) any change of the information required under regulation 12 and Form PP/2 in the Second Schedule.
- (3) A person who contravenes or fails to comply with a provision of

paragraph (1) or (2) commits an offence punishable on summary conviction under regulation 65(1)(a).

*Consumer Installation Licence*

No consumer installation without authorisation.

17. (1) A person shall not operate a consumer installation without obtaining a consumer installation licence under this Part.

(2) The Agency may issue a consumer installation licence in respect of—

- (a) a petrol consumer installation;
- (b) a diesel consumer installation; or
- (c) any other petroleum and petroleum products installation.

(3) The Agency may only issue the licence referred to in paragraph (1) for a commercial or industrial undertaking, a farm of a *bona fide* farmer or a mine.

(4) A licence referred to in paragraph (1) shall clearly state the type of consumer installation.

(5) A person shall submit a separate application for each consumer installation he intends to operate.

(6) A person who contravenes, or fails to comply with a provision of paragraph (1) commits an offence punishable on summary conviction under regulation 64 (a).

Application for consumer installation licence. Second Schedule Form PP/3.

18. (1) A person desiring to operate a consumer installation shall apply for a licence in Form PP/3, in the Second Schedule to the Agency and submit therewith the other documents or records required by these Regulations.

- (2) An applicant shall attach these documents to the application for a consumer installation licence -
- (a) a certified copy of the applicant's identity document and, in the case of a non-Caricom citizen, a permanent residence permit or valid work permit.
  - (b) if the applicant is a body corporate, a certified copy of its registration or incorporation documents;
  - (c) proof that the applicant operates a commercial or industrial undertaking or mine or is a *bona fide* farmer;
  - (d) if an environmental assessment study has been conducted, a certified copy of the document setting out the outcome of the study;
  - (e) a police clearance certificate;
  - (f) if not a first time applicant, a tax compliance certificate issued by the Guyana Revenue Authority;
  - (g) approved plans, final design or construction drawings of all buildings, roadworks, structures and plant to be erected on the proposed premises, including the location of the proposed premises and a general layout plan, including a confirmation of meeting industry standards with respect to buildings, quantities and sizes of tanks, number of pumps, piping and materials;
  - (h) any permits required for such facilities, including those of the Environmental Protection Agency, Guyana Fire Service, Guyana

National Bureau of Standards and Central Housing and Planning Authority; and

- (i) proof of ownership of land or evidence of right to occupy same.
- (3) An applicant for a consumer installation licence shall submit the

First  
Schedule.

application together with the appropriate application fee stated in the First Schedule.

Grant issue  
and form of  
consumer  
installation  
licence,

19. (1) The Agency shall consider an application for a consumer installation licence and may -

- (a) refuse the application stating the reasons therefor;
- (b) grant the application and issue a licence to the applicant subject to the general conditions set out in regulation 21 (1) and such further special conditions as the Agency may determine in accordance with regulation 21(2).

(2) The Agency shall issue a separate licence for each consumer installation a person intends to operate.

(3) The Agency may refuse an application if the past conduct of the applicant affords reasonable grounds for belief that the activities to be conducted pursuant to the licence shall not be conducted in accordance with these Regulations.

(4) The Agency shall grant and issue a consumer installation licence under this Part upon payment of the appropriate fee stated in the First Schedule.

First  
Schedule.

Criteria for  
decisions  
relating to  
consumer  
installation  
licence.

20. (1) In making a decision in respect of the grant, issue or amendment or any other matter pertaining to a consumer installation licence, the Agency shall take the following matters, in so far as they are applicable, into account -

- (a) the protection of the environment;

- (b) the record of compliance with the Act, these Regulations and any other law;
- (c) the history of the site;
- (d) if applicable, the suitability of the site concerned with regard to safety, health, security, hazardous substances, environment and town planning requirements;
- (e) any significant negative impact on the energy industry;
- (f) a study and review of any comments by the Environmental Protection Agency to which the matter was referred under regulation 27; and
- (g) any other matter relevant to the orderly provision of petroleum and petroleum products.

(2) The Agency may request the person with regard to whom a decision referred to in paragraph (1) has to be made to submit to the Agency additional information relating to matters mentioned in that paragraph in order to enable the Agency to make an informed decision regarding the grant, issue or amendment, or any other matter pertaining to the licence.

Conditions of  
consumer  
installation  
licence.

21. (1) The following general conditions apply to all consumer installation licences –
- (a) the licence-holder shall at all times comply with the Act, these Regulations and any other law, including laws relating to labour, safety, hazardous substances, security, health and



environment;

- (b) any petroleum and petroleum products purchased pursuant to the licence may only be used by the licence-holder for his own personal use with regard to owned or hired petrol or diesel consuming equipment or owned or hired vehicles or plant, and may not be resold;
- (c) the licence-holder shall only purchase the type of petroleum and petroleum products specified in the licence;
- (d) the licence-holder shall immediately inform the Agency of any dangerous situation arising from the conduct of activities authorised under the licence, including the steps taken or proposed to be taken by the licence-holder to rectify the situation or to eliminate or minimise the danger arising from the situation;
- (e) the licence-holder shall not permit another person to use the licence to purchase petroleum and petroleum products for a person other than the licence-holder;
- (f) the licence-holder shall keep such records and submit the information to the Agency as are required by or under these Regulations;
- (g) the licence-holder shall comply with all provisions of these Regulations relating to petroleum products spills; and
- (h) the licence-holder may not abandon a site otherwise than in accordance with these Regulations.

(2) The Agency may determine special conditions applicable to a licence relating to –

- (a) the reporting of dangerous situations or accidents;
- (b) the preparation and submission to the Agency of assessments of the safety, health, environment and security risks associated with the activities authorised under the licence;
- (c) the safe disposal of petroleum and petroleum products, including the collection and discarding of used oil;
- (d) insurance against, or guarantee for, petroleum and petroleum product spills which insurance or guarantee covers the cost involved in the cleaning-up of such spills.

(3) A person who contravenes or fails to comply with any provision of paragraphs (1) and (2) commits an offence punishable on summary conviction under regulation 65 (1)(a) and (b), respectively.

Exemption.

22. Regulation 21 (1) (b) shall not apply in respect of the use or purchase of diesel by one contractor from another contractor who has a diesel consumer installation licence if such diesel is used in connection with construction works in which both contractors are involved.

Cessation of licence.

23. (1) If a licence-holder whose licence relates to petroleum and petroleum products stops business for a consecutive period of more than three months during the validity of the licence, the Agency may under regulation 32 cancel his licence after giving him a reasonable opportunity to make representations.

(2) Notwithstanding paragraph (1), the licence-holder may make a written application for an exemption stating good reasons therefor.

Information to be submitted to Agency by consumer installation licence-holder.

24. (1) The Agency shall by written notice give the licence-holder a specific time to supply the following -

- (a) information the Agency may request regarding a dangerous situation existing at the licensed premises and remedial measures taken in respect thereof;
- (b) information the Agency may request regarding the site where a consumer installation is being operated by the licence-holder;
- (c) information the Agency may request in order to enable the Agency to effectively exercise its powers under these Regulations;
- (d) confirmation that the consumer installation concerned is still in operation.

(2) A licence-holder shall submit to the Agency, during the currency of the licence and not later than February 28 of each year, the total throughput of the type of petroleum and petroleum products specified in the licence for the preceding year or portion of a year, as the case may be.

(3) A person who fails to comply with any provision of paragraph (1) or (2) commits an offence punishable on summary conviction under regulation 65 (1) (a).

#### *General*

Validity and duration of licence.

25. (1) A licence is valid from the date of issue and remains valid for one year. It is renewable on the anniversary of its issue upon a written request to the Agency

for the renewal on the payment of the required fees, subject to compliance with the Act, these Regulations and any other law.

(2) Fees for renewal of a licence are the same as those for the issue of a licence.

Ineligibility  
for licence.

26. The Agency may not issue a licence to a person who -
- (a) has during the five years preceding the application for the licence been convicted of an offence under these Regulations, or is so convicted during the currency of the licence;
  - (b) is not a Caricom national and is not lawfully resident in Guyana, or, in the case of a body corporate, is not registered in Guyana;
  - (c) is or becomes an undischarged bankrupt;

Referral of  
applications.

27. Unless otherwise provided in these Regulations, where the application for the issue or amendment of a licence may impact on the environment, the Agency if it considers it necessary, may refer the application to the Environmental Protection Agency for its written comments.

Abandonment  
of premises.

28. (1) If a licence-holder, for whatever reason, including the closing down of the business to which the licence relates or a change of premises, wishes to abandon the relevant premises, the licence-holder shall by written notice, inform the Agency of the intended date of closure, change or abandonment at least one month prior to such intended date.

(2) A person who fails to comply with the provisions of paragraph (1)

commits an offence punishable on summary conviction under regulation 64 (a).

(3) In the case of a change of relevant premises referred to in paragraph (1), the licence-holder shall comply with the provisions of regulation 31.

(4) After receipt by the Agency of a notice under paragraph (1), an inspector, shall inspect the premises in order to determine whether the premises has been sufficiently restored with regard to the petroleum and petroleum products activities conducted thereon and will not pose a threat to the environment or the safety and health of the public.

(5) Pursuant to paragraph (4), an inspector, shall issue a written statement to that effect if he is satisfied that the abandoned premises does not pose a threat to the environment or to the safety and health of the public.

(6) For the purposes of this regulation, "restore" means -

- (a) the return of the relevant premises to its original or its natural state;
- (b) the rendering of the premises, or part of a site, compatible with its intended after-use after cessation of petroleum-related activities; or
- (c) the removal of buildings, structures, plant and debris, establishment of compatible contours and drainage, replacement of top soil, re-vegetation, slope stabilisation and infilling of excavations.

Application  
for duplicate  
licence.

29. (1) When a licence has been lost, damaged or destroyed, the holder may apply to the Agency for a duplicate.

- First Schedule.
- (2) The licence-holder shall pay the appropriate fee stated in the First Schedule when applying to the Agency for a duplicate licence.
- (3) The Agency may approve an application made under paragraph (2).
- (4) The Agency shall issue a duplicate licence in the form of the original licence and shall mark clearly on the front "DUPLICATE".
- Licence not transferable.
30. (1) A wholesale licence is not transferable.
- (2) A retail licence is not transferable except by way of amendment of the licence under regulation 31.
- (3) An import licence is not transferable.
- (4) A storage licence is not transferable.
- (5) A transportation vessel or vehicle licence is not transferable.
- (6) A consumer installation licence is not transferable
- Amendment of licence.
31. (1) Where a licence-holder seeks to change the information on his licence, he shall apply to the Agency for an amendment of the licence.
- (2) If any such change of information relates--
- (a) to a change of the premises, the licence-holder must comply with regulation 28;
- (b) in the case of a retail licence, to a change in the name of the operator, the licence holder shall supply the records required by regulation 5 (2) with regard to the proposed new operator, and the
- Second Schedule.
- Form PPI

proposed new operator shall complete in so far as it is applicable and submit Form PP/1 in the Second Schedule, together with the application and fees for an amendment.

- (3) The Agency may at the Agency's own initiative -
- (a) substitute, add, remove or amend a special condition of a licence after affording the licence-holder a reasonable opportunity of making representations;
- (b) amend a licence if it has come to the knowledge of the Agency that any particulars of a licence have changed and the licence-holder has failed to inform the Agency thereof or if any other sufficient cause exists; the Agency shall give the licence-holder a reasonable opportunity of making representations before it takes action.

First  
Schedule.

(4) The licence-holder shall pay the fee stated in the First Schedule when applying to the Agency for the amendment of a licence.

(5) If the Agency amends a licence on its own initiative, the Agency shall, after affording the licence-holder a reasonable opportunity of making representations, within a period of fourteen days after such amendment in writing inform the holder thereof of such amendment.

- (6) The Agency may effect an amendment by -
- (a) endorsement of the licence; or
- (b) notice in writing to the licence-holder.

Surrender,  
suspension,  
cancellation  
or ceasing of  
effect of  
licence.

32. (1) Subject to regulation 28, a licence-holder may at any time by notice in writing to the Agency surrender the licence.

(2) If a licence-holder fails to comply with a provision of these Regulations or a condition of the licence, or contravenes such provision or condition, the Agency may, subject to paragraph (3) and notwithstanding any other penalty which may be imposed under the Act or any other law -

(a) cancel the licence; or

(b) suspend the licence for such time as the Agency may deem appropriate.

(3) The Agency may not cancel or suspend a licence unless-

(a) the Agency has by written notice informed the licence-holder of the Agency's intention to cancel or suspend the licence -

(i) setting out the particulars of the alleged failure or contravention; and

(ii) calling upon the licence-holder to make representations to the Agency as he may deem necessary or expedient within a period of thirty days after the date of the notice.

(b) the Agency has taken into account -

(i) the steps taken by the licence-holder to remedy the failure or contravention or to prevent the failure or contravention from being repeated;

(ii) other matters submitted to the Agency by way of the representations made under sub-paragraph (a).

(4) The effect of a suspension of a licence is that the licence-holder may not legally perform any act thereunder until the suspension has been lifted.



(5) A licence ceases to have effect if -

(a) the licence-holder becomes subject to ineligibility set out in regulation 26;

(b) the licence is surrendered under paragraph 32(1) ; or

(c) the licence is cancelled.

(6) If a licence ceases to have effect, the licence-holder shall surrender the licence to the Agency within a period of fourteen days from the date on which it so ceased to have effect.

(7) Notwithstanding paragraph (3) the Agency may cancel or suspend a licence without any notice in the event of a dangerous situation, abandonment of premises or the discovery of illegal petroleum and petroleum products being offered for sale, stored or transported into or in Guyana whether by air, sea or land.

Display of  
licence.

33. (1) A licence-holder shall display the original licence in or on a conspicuous place -

(a) in the case of a retail licence-holder, in any part of the licensed premises;

(b) in the case of a wholesale licence-holder, at the official place of business of such licence-holder.

(2) A person who fails to comply with the provisions of paragraph (1) commits an offence punishable under regulation 65 (1) (b).

Agency to  
make decision  
within  
reasonable  
time

34. (1) The Agency shall make a decision under these Regulations regarding the issue, grant, amendment or any other matter pertaining to a licence within a

reasonable time.

(2) If a decision regarding the grant or issue of a licence is not made within a period of sixty days after the lodging of an application, the Agency shall furnish to the applicant at the written request of the applicant with written reasons for the delay.

(3) All decisions relating to petroleum and petroleum products regarding the import, wholesale sale, retail sale, consumer installation, transportation vehicle or vessel licence- holders shall be Gazetted and published in at least one daily newspaper.

### **PART III PROHIBITIONS, DUTIES, SPECIFICATIONS, STANDARDS, SAFETY AND ENVIRONMENT**

#### *Prohibitions*

Falsely  
claiming to  
hold a  
licence.

35. A person who falsely claims or purports to be a licence-holder commits an offence punishable on summary conviction under regulation 64 (a).

Blending of  
petroleum and  
petroleum  
products.

36. (1) If the Agency has under regulation 4I applied an approved specification with regard to the composition of petroleum and petroleum products, a licence-holder may not sell such petroleum and petroleum products or a mixture or blend thereof if such petroleum and petroleum products or mixture or blend does not comply with the approved specification.

(2) When a licence-holder mixes an additive with petroleum and petroleum products for the sole purpose of identifying such product as the property of the licence-holder, the Agency shall not deem the product a blended product.

- (3) The licence-holder shall apply for a written approval from the Agency for an additive referred to in paragraph (2). The application shall state -
- (a) chemical composition and trading name (if any) of the additive;
  - (b) quantity of additive in parts per million (ppm or any other measurable unit) to be mixed with the stated petroleum and petroleum products; and
  - (c) process to be used in identifying the additive.
- (4) A person who contravenes, or fails to comply with the provisions of paragraph (1) commits an offence punishable on summary conviction under regulation 64 (b) and the court may revoke the licence.
- (5) A person who contravenes, or fails to comply with a provision of paragraph (3) commits an offence punishable on summary conviction under regulation 64(a).

#### *General Duties*

General duty with regard to safe handling and disposing of petroleum and petroleum products.

37. (1) A person shall take, in the storing, keeping, handling, conveying, using or disposing of any petroleum and petroleum products, such precautions and exercise such reasonable care in the circumstances in order -
- (a) to avoid endangering the safety or health of any person, or the safety of any person's property; and
  - (b) to prevent risk of environmental harm.
- (2) A person shall dispose of petroleum and petroleum products at a

place approved for the safekeeping or dumping thereof and in a manner that accords with good petroleum industry practices and the law.

(3) A person who contravenes, or fails to comply with a provision of paragraph (1) or (2) commits an offence punishable on summary conviction under regulation 64 (b).

Duty in  
relation to  
buildings  
roadworks,  
structures and  
plant.

38. (1) A licence-holder shall ensure that all buildings, roadworks, structures and plant erected or used in connection with petroleum or petroleum products comply with these Regulations and any other law.

(2) A licence-holder shall ensure that buildings, roadworks, structures and plant used in connection with petroleum and petroleum products are maintained in such a manner as -

(a) to avoid endangering the safety or health of a person, or the safety of a person's property; and

(b) to prevent the risk of environmental harm.

(3) A person who contravenes, or fails to comply with a provision of paragraph (1) or (2) commits an offence punishable on summary conviction under regulation 64 (b).

Further duties  
in relation to  
plant.

39. (1) This regulation applies to plant that is used, or that is reasonably expected to be used, by licence-holders in connection with petroleum and petroleum products.

(2) For the purposes of this regulation, a plant is in an environmentally

sound condition if it does not give rise to a risk of environmental harm.

(3) A licence-holder or other person who is in charge of or uses a plant to which this regulation applies shall take such precautions, including preventative measures, and exercise such reasonable care in the circumstances in order to -

- (a) ensure that the plant is in a safe and environmentally sound condition when it is used in connection with petroleum and petroleum products;
- (b) avoid endangering the safety or health of any other person, or the safety of any person's property; and
- (c) prevent the risk of environmental harm, whether during the use of the plant, or as a result of the use of the plant.

(4) A licence-holder or other person who performs, or supervises the performance of work on a plant shall take such precautions and exercise reasonable care in the circumstances in order -

- (a) to avoid endangering the safety or health of any other person, or the safety of any person's property; and
- (b) to prevent the risk of significant environmental harm, whether during the performance of the work, or as a result of the performance of the work.

(5) A person who contravenes, or fails to comply with a provision of paragraph (3) or (4) commits an offence punishable on summary conviction under regulation 64 (b).

Duty with regard to correct measurements.

40. (1) A licence-holder or other person using a measuring instrument for trade in petroleum and petroleum products shall at all times ensure that -
- (a) such measuring instrument is correct and complies with standards set by the Guyana National Bureau of Standards and any law;
  - (b) prices of petroleum and petroleum products are stated for quantities shown in metric measurements;
- (2) A person who contravenes or fails to comply with a provision of subsection (1) commits an offence punishable on summary conviction under regulation 64 (a).

*Specifications and Standards*

Approval of specifications and standards.

41. (1) The Agency may, by a reasonable period of notification served on a licence-holder or by notice in the *Gazette* or in a daily newspaper, apply, for the purposes of these Regulations, any specification or standard of the Guyana National Bureau of Standards, which specification or standard pertains to the handling, storage, distribution and composition of petroleum and petroleum products.
- (2) The Agency may make an approved specification applicable to all licence-holders.
- (3) The Agency shall -
- (a) give notice in the *Gazette* or a daily newspaper of an approved specification by the Agency or the Guyana National Bureau of Standards and the place where and time when such

specification may be inspected; and

- (b) keep a copy of an approved specification available for inspection, without charge and during normal office hours, at an office determined by the Agency.

(4) A person who fails to comply with an approved specification applicable to him commits an offence punishable on summary conviction under regulation 64(a).

Deviation  
from  
approved  
specification.

42. (1) The Agency may, upon application in writing, give a person written permission to deviate from the requirements of an approved specification in the specific circumstances mentioned in the application, if the Agency is satisfied that such deviation shall not detrimentally affect public safety or the environment.

(2) The Agency may impose such conditions to a permission granted under paragraph (1) as the Agency deems necessary to ensure public safety or the protection of the environment.

(3) A person who fails to comply with or contravenes a condition imposed under paragraph (2) commits an offence punishable on summary conviction under regulation 64 (a).

Petroleum  
and petroleum  
product  
marker.

43. (1) The Agency may add a marker to gasoline or diesel or any other petroleum and petroleum products determined by the Agency for the purpose of identifying such petroleum or petroleum products as having been legitimately imported.

(2) The Agency shall ensure that the marker is-

- (a) stable and soluble with deposit control additive packages;
- (b) stable and soluble in all motor fuels;

- (c) stable and soluble through the normal temperature ranges encountered in field storage of the product; and
  - (d) harmless to the engine when introduced into the engine through either the fuel or lubricant.
- (3) The Agency shall ensure that -
- (a) the marker and its analytical techniques provide appropriate information in the field and laboratory;
  - (b) when the petroleum and petroleum products are properly marked it shall be difficult to analyse, identify or copy by unauthorised persons, unless through the use of the marker analytical methods peculiar to the given marker product;
  - (c) the suppliers of the petroleum and petroleum products marker submit an acceptable data set to support the requirements of these Regulations;
  - (d) the marker and its analytical technique maintains accurate results in the presence of background interference and matrix effects due to adulteration with other fuels, solvents, and other substances used as adulterants or additives.
- (4) The Agency shall, subject to regulations 36 and 42, perform such tests as may be necessary to determine the presence of the marker in the petroleum and petroleum products and any further tests that may be necessary to determine whether the



petroleum and petroleum products have been unlawfully imported, stored, possessed, offered for sale, blended or mixed with any substance that is not approved by the Agency.

(5) Inspectors of the Agency may randomly test petroleum and petroleum products at any time or place and from any storage facility, fuel tanker or fuel barge.

(6) Empirical evidence collected under paragraphs (4) and (5) shall be admissible in a court of law.

Storage tanks.

44. (1) This regulation applies, in the case of an above-ground storage tank, to a storage tank with a capacity of 2,200 litres or more and in the case of a below-ground storage tank, to a storage tank with a capacity of 4,500 litres or more.

(2) A licence-holder who possesses, installs or replaces a storage tank referred to in paragraph (1) shall not later than February 28 each year, submit to the Agency such information as may be requested by the Agency.

(3) A person who owns or operates a storage tank or facility with a capacity exceeding 2000 litres shall apply to the Agency, under regulation 4 paragraphs (1) (e) and (3) (e) for a licence to operate such a facility, including a fuel barge, fuel tanker whether land or water based.

(4) A person who contravenes, or fails to comply with a provision of paragraph (2) or (3) commits an offence punishable on summary conviction under regulation 65 (1) (b).

*Fire Precautions*

General duty  
with regard to  
fires and  
explosions.

45. (1) A licence-holder shall –
- (a) ensure that all buildings, roadworks, structures and plant used in connection with petroleum and petroleum products are designed, constructed, equipped and maintained so as to prevent fires and explosions, and if any fire or explosion occurs to minimise the harmful effects of such fire and explosion;
  - (b) take the necessary steps, including regular training, to ensure that personnel or employees involved in the handling of petroleum and petroleum products exercise caution regarding anything which may cause fires or explosions and that they comply with the provisions of these Regulations and any other law; and
  - (c) cause any place, building, structure or plant where petroleum and petroleum products are handled or stored, to be suitably signposted.
- (2) A person shall not throw, leave or create an open or naked light, spark or flame or a burning or smouldering material at a place where petroleum and petroleum products are handled or stored.
- (3) A person shall not-
- (a) keep a vehicle running while petroleum and petroleum products are being dispensed into the tank of that vehicle;
  - (b) smoke in the forecourt of a retail outlet where petroleum and petroleum products are dispensed; or

- (c) receive or make calls from, or keep active, a cellular telephone or any other electronic communication apparatus-
  - (i) within fifteen metres from any dispensing pump or any other petroleum and petroleum products supply point;
  - (ii) within fifteen metres from a vehicle while petroleum and petroleum products are being discharged from such vehicle into an underground storage tank; and
  - (iii) within fifteen metres of venting pipe storage tank into which the petroleum and petroleum products are being received.

(4) A licence-holder shall ensure that notices pertaining to paragraphs (a), (b) and (c) are clearly written and signposted for easy viewing by the consumer or customer.

(5) A person who contravenes, or fails to comply with any provision of paragraph (1), (2), (3) or (4) commits an offence punishable on summary conviction under regulation 65 (1) (b).

Fire  
precaution  
and  
emergency  
measures.

46. (1) A licence-holder shall take adequate precautions to prevent the outbreak of a fire when storing, keeping, handling, conveying, using or disposing of petroleum and petroleum products.

(2) A licence-holder shall provide and at all times keep available suitable and adequate fire-extinguishing appliances which he shall maintain in good working order, test at least twice a year, and position in accessible places on the premises where petroleum and petroleum products are kept, stored, handled, conveyed or used.

- (3) A licence-holder shall prepare and keep on the premises a written fire emergency plan to deal with the outbreak of a fire.
- (4) A licence-holder shall ensure that -
- (a) the plan provides suitable and adequate fire-fighting strategies showing all locations and types of fire-fighting equipment and setting out a plan of action and the tasks of employees in the event of a fire;
  - (b) the plan includes provisions for the training of employees to deal with a fire emergency situation;
  - (c) the Agency and the Guyana Fire Service approve the plan and shall provide accurate copies to the employees working on the premises.
- (5) A person who contravenes, or fails to comply with a provision of paragraph (1), (2) or (3) commits an offence punishable under regulation 64 (1).

*Petroleum and Petroleum Products Spill*

Petroleum and  
petroleum  
products spill.

47. (1) A licence-holder or other person in control of activities conducted with regard to petroleum and petroleum products, immediately after a petroleum and petroleum products spill has occurred shall -
- (a) inform, Agency thereof; and
  - (b) take the necessary steps that accord with good petroleum industry practices to clean up the petroleum and petroleum products spill.

(2) If a licence-holder or other person referred to in paragraph (1) fails to comply with paragraph (1)(b) within such time as the Agency in the circumstances may deem reasonable, the Agency may deliver a notice to such person ordering him to take, within the time specified in the notice, the steps outlined to clean up the petroleum and petroleum products spill; the Agency may, by a subsequent written notice give the licence holder further time to clean up the petroleum and petroleum products spill.

(3) If the licence-holder or person referred to in paragraph (2) fails to clean the spill, to the satisfaction of the Agency within the time specified in the first notice or within the extended time allowed by the Agency, the Agency shall take the necessary steps to clean up the petroleum and petroleum products spill and shall recover in a court of competent jurisdiction under regulation 48, the costs including legal fees incurred in the cleaning up of the petroleum and petroleum products spill.

(4) For the purposes of this regulation "petroleum and petroleum products spill" means a petroleum and petroleum products spill of more than 2000 litres of petroleum or more than 20 litres of petroleum products.

(5) A person who through negligence or misconduct (including poor maintenance procedures) causes a petroleum and petroleum products spill commits an offence punishable under regulation 64 (b).

**PART IV**  
**MISCELLANEOUS**  
*Cost Recovery*

Cost recovery  
in respect of  
incidents.

48. (1) This regulation applies to any incident –
- (a) constituting or arising from, whether wholly or in part, a petroleum and petroleum products spill or involving the risk of a petroleum and petroleum products spill; or
  - (b) arising from the cleaning-up or restoring of premises.
- (2) If a Ministry, Government department or institution, or a local democratic organ (hereafter called “the relevant authority”) incurs costs or expenses as a result of the occurrence of an incident to which this regulation applies, the costs or expenses reasonably incurred by the relevant authority are recoverable as a debt in a court of competent jurisdiction by the relevant authority.

*Inspectors*

Exercise of  
powers by  
inspectors.

49. (1) When exercising any power under this Part an inspector shall produce a photographic identification document signed by the Chief Executive Officer of the Agency, stating his full name and designation.
- (2) An inspector may require an occupier of the premises, or a person in charge of a building, structure, plant or vehicle to assist him where necessary for the effective exercise of powers conferred on him by these Regulations.

Prohibition  
notices by  
inspectors.

50. (1) If an inspector determines that a dangerous situation exists in or on premises, the inspector may issue to the person in control of the premises, or of the activity giving rise to the danger or risk, a notice, prohibiting the activity until the inspector is satisfied that adequate measures have been taken to avert, eliminate or minimise the danger or risk.

(2) An inspector shall -

- (a) identify the relevant place or activity giving rise to the danger or risk;
- (b) state the grounds for the inspector's opinion.

(3) An inspector may in a prohibition notice include reasonably practical directions as to the measures to be taken to avert, eliminate or minimise the danger or risk to which the notice relates.

(4) An inspector may withdraw and issue a new notice, or revoke a prohibition notice issued under this regulation.

Failure to  
comply  
with  
prohibition  
notice.

51. (1) If a person is required by a prohibition notice to take specified measures and the person fails to comply with the notice, the inspector who issued the notice may with the approval of the Agency -

- (a) after giving reasonable notice to the licence-holder or person in control of the premises, take the necessary measures to enter and take control of the premises; and
- (b) do, or cause to be done, such things to effect proper compliance with the notice.

(2) The Agency may recover as a debt in a court of competent jurisdiction and from the person who contravened or failed to comply with the notice, the costs and expenses reasonably incurred by an inspector exercising his powers under paragraph (1).

Action in certain situations.

52. (1) If the Agency agrees with an inspector who on reasonable grounds determines that a dangerous situation exists and that there is insufficient time to issue a notice under this Part, the inspector on the authority of the Agency may, after giving such notice orally or in writing as may be reasonable in the circumstances, take the necessary action to avert, eliminate or minimise the danger or risk including the ordering of temporary suspension of activities until the danger or risks have been rectified.

Certain acts with regard to inspectors prohibited.

(2) If the Chief Executive Officer or Deputy Chief Executive Officer is satisfied on information provided by an inspector that illegal petroleum and petroleum products are stored on licenced premises or any other premises, the Chief Executive Officer or Deputy Chief Executive Officer may order the temporary suspension of the licences, closure of the premises and the cessation of any operation concerning the illegal petroleum or petroleum products, pending the determination by a court of any charge in respect of the said illegal petroleum and petroleum products:

Provided that before issuing any instructions to close any premises the Chief Executive Officer or Deputy Chief Executive Officer shall give the owner, operator or person in charge thereof an opportunity of being heard.



53. (1) A person shall not -
- (a) hinder or obstruct an inspector in the exercise of the powers conferred by these Regulations;
  - (b) use abusive, threatening or insulting language to an inspector;
  - (c) refuse or fail to comply with a lawful requirement, direction or notice of an inspector.
  - (d) when required by an inspector to answer a question, refuse or fail to answer the question to the best of the person's knowledge, information and belief; or
  - (e) falsely represent, by words or conduct, that he is an inspector.
- (2) A person who contravenes, or fails to comply with paragraph (1) commits an offence punishable on summary conviction under regulation 64 (a).

*Information and Records*

Supply of  
false or  
misleading  
information.

54. (1) A person shall not furnish false or misleading information, or make any false or misleading statement knowing that the information or statement is false or misleading, in connection with an application, statement, record or other document submitted to the Agency under these Regulations.
- (2) A person who contravenes, or fails to comply with paragraph (1) commits an offence punishable on summary conviction under regulation 64 (a).

Register  
and  
information  
to be kept  
by Agency.

55. (1) The Agency shall keep a register of all licenses issued under these Regulations.

(2) The Agency shall record and keep the following information up to date in the register-

- (a) the name and address of every licence-holder;
- (b) the licence number and date of issue and the period of validity;
- (c) the type of licence;
- (d) the premises;

(3) The Agency shall keep the register referred to in paragraph (1) available for public inspection during office hours upon request in writing.

(4) The Agency shall publish annually in the Gazette and a daily newspaper the names and addresses of -

- (a) all licensed importers of petroleum and petroleum products;
- (b) all licensed wholesalers of petroleum and petroleum products;
- (c) all licensed retailers of petroleum and petroleum products;
- (d) all licensed consumer installations;
- (e) all licensed storage facilities; and
- (f) all licensed petroleum and petroleum products vehicles and vessels.

Particulars  
of dealing  
with  
petroleum  
or  
petroleum  
products.

56. The Agency may, by notice in writing, require -

- (a) a person who conducts, or has conducted, or is or was concerned in, or has or had any interest in, a business involving or related

- to petroleum and petroleum products; or
- (b) the person's agent or employee, who has or had duties, or provides or provided services in connection with petroleum and petroleum products,

to furnish in writing, within the time specified in the notice or in the further time the Agency may allow, information in respect of those petroleum and petroleum products specified in the notice, not being information relating to any time after the date of the requirement.

**Service of notices.**

57. (1) The Agency may authorise an inspector to deliver a notice, document or other communication under these Regulations -

- (a) to the licence-holder or person in control of the premises personally;
- (b) by despatching it by pre-paid registered post, addressed to the licence-holder at his last known address or office;
- (c) in the case of a body corporate -
- (i) to the chief officer of the body corporate; or
- (ii) by dispatching it by pre-paid registered post, addressed to the body corporate or its chief officer, at its registered office.

(2) Any notice, document or other communication referred to in paragraph (1) which was delivered in the manner contemplated in paragraph (1)(b) or (1)(c)(ii) is deemed, unless the contrary is proved, to have been received by the person to whom it

was addressed at the time when it would, in the ordinary course of post, have arrived at the place to which it was addressed.

Contravention  
of or failure to  
comply with  
notice.

58. A person who receives a notice referred to in regulation 57 and who contravenes or fails to comply with any provision of such the notice commits an offence punishable on summary conviction under regulation 64 (a).

### General

Confidentiality

59. A person shall not divulge information obtained in the course of the administration or implementation of these Regulations except-

- (a) if authorised by or under the Act;
- (b) with the consent of the person from whom the information was obtained or to whom the information relates; or
- (c) for the purpose of any legal proceeding arising out of the administration or enforcement of the Act or other law provided that the disclosure shall not cause unfair competition.

immunity from  
personal  
liability.

60. Liability shall not attach to the Agency, an inspector or any other person engaged in the administration of these Regulations for an act or omission in the exercise or discharge, of a power, function or duty by or under these Regulations if the act or omission has been exercised or discharged in good faith and without gross negligence.

Evidence.

61. In any proceedings in connection with an offence under these Regulations,

- (a) that a person was or was not the holder of a licence of a specified kind at a specified date;
- (b) that a condition was a condition of a licence;
- (c) that a specified substance is or was a petroleum and petroleum products of a specified kind;
- (d) that the contents of an approved specification is a true copy of such approved specification;
- (e) that an extract from the register referred to in regulation 55 is a true copy of such extract,

constitutes *prima facie* evidence of the matters so certified.

Transitional provisions.

62. (1) A person who, at the commencement of these Regulations -
- (a) sells petroleum and petroleum products by retail sale;
  - (b) conducts business as an operator of a retail outlet; or
  - (c) imports or distributes petroleum and petroleum products by wholesale,
- may continue, notwithstanding regulation 4 (1), but subject to this regulation, with the activity concerned.
- (2) A person referred to in paragraph (1) shall apply for an import licence, wholesale licence, retail licence, storage licence, fuel tanker or vessel licence or consumer installation licence, as the case may be, within three months from the date of the commencement of these Regulations -
- (a) in the case of a person referred to in paragraphs (1) (a) and

- (b), by an application in the Form PPI under regulation 5 (1);
- (b) in the case of a person referred to in paragraph (1) (c), by submitting an application in Form PP2 under regulation 12 (1).
- (3) The Agency may -
- (a) by notice in the *Gazette* and at least one daily newspaper extend the period of three months referred to in paragraph (2) for a further period of one month;
- (b) by notice in the *Gazette* and at least one daily newspaper, determine separate dates or periods for applications on which or within which persons or a category of persons specified in such notice or persons located in areas specified in such notice shall apply for a licence in accordance with this regulation.
- (4) A licence issued under this regulation is subject to the general conditions set out in regulation 8(1) or 15(1), whichever may be applicable, and such further special conditions as the Agency may determine under regulation 8(2) or 15(2), whichever may be applicable.
- (5) For the purpose of these Regulations, the Agency shall consider a person referred to in paragraph (1), until such time as the Agency issues a licence to such person, to be the holder of the licence concerned, and these Regulations shall apply to that person from the date of commencement of these Regulations.

(6) If a person referred to in paragraph (1) has failed to apply, within the period of three months or the extended period of one month, from the date of commencement of these Regulations for a licence under paragraph (2), the Agency shall after the expiration of that period no longer consider that person as the holder of the licence concerned.

Illegal  
petroleum and  
petroleum  
products.

63. (1) A person shall not import petroleum and petroleum products without the appropriate licences from the Agency.

(2) A person shall not obtain, store, offer for sale, sell, distribute, transport or otherwise deal in any petroleum and petroleum products not obtained from a licensed importing wholesaler, wholesaler or retailer.

(3) A person shall not discharge petroleum and petroleum products into a fuel barge or other vessel without a specific permit from the Agency for each discharge setting out the quantities and type of petroleum and petroleum products, destination of vessel, quantities and types to be discharged at each place of discharge and such permit shall accompany the product and be duly agreed by the relevant receiver or his servant and returned to the Agency.

(4) A person who contravenes, or fails to comply with paragraph (1), commits an offence punishable on summary conviction under regulation 64 (c).

(5) A person who contravenes, or fails to comply with paragraph (2), commits an offence punishable under summary conviction regulation 64 (b).

(6) A person who contravenes, or fails to comply with paragraph (3), commits an offence punishable on summary conviction under regulation 64 (a).

**Penalties.** 64. A person found guilty of an offence under these Regulations shall, on conviction, be liable to -

- (a) a fine of three million dollars;
- (b) a fine of three million dollars and to imprisonment for a period of three years;
- (c) a fine of three million dollars and to imprisonment for a period of three years; and to forfeiture of any seized illegal petroleum and the vehicle or container containing such petroleum.

**Fines.** 65. (1) A person found guilty of an offence under these Regulations shall, on conviction, be liable to-

- (a) a fine of \$600,000;
- (b) a fine of \$300,000;
- (2) The court may on convicting a licence-holder cancel his licence in a case of serious or repeated breaches of these Regulations.
- (3) Where fines remain unpaid, the Agency may refuse to grant or renew a licence.



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**FIRST SCHEDULE**

regs. 5(3), 6(4), 12(4), 13(3), 15(1)m, 18(3), 19(4), 29(2), 31(4)

Item	Applicable Regulation	Description of Fee	Amount (GS)
1.	Regulation 4(1)	Application fee for storage licence.	2,500
		Fee for issue of storage licence	10,000
2.	regulation 5(3)	Application fee for a retail licence	5,000
3.	regulation 6(4)	Fee for issue of retail licence per pump	5,000
4.	regulation 12(4)	Application fee for wholesale licence	10,000
5.	regulation 13(3)	Fee for issue of wholesale licence	100,000
6.	regulation 13(3)	Fee for issue of importing wholesale licence	130,000
7.	regulation 15(1)(m)	Application/Issue fee for a transport licence (signage & inspection)	10,000
8.	regulation 18(3)	Application fee for a consumer installation licence	2,000
9.	regulation 19(4)	Fee for issue of consumer installation licence	25,000
10.	regulation 29(2)	Application fee for duplicate	2,500
11.	regulation 31(4)	Fee for amendment of licence	5,000

SECOND SCHEDULE regs. 5, 11, 18, 31, 62

FORM PP/1

GUYANA ENERGY AGENCY  
PETROLEUM AND PETROLEUM PRODUCTS REGULATIONS 2004  
APPLICATION FOR RETAIL LICENCE

(Regulation 4 (1))

*(Please note that where this form is completed by hand it must be completed in capital letters and that all documents requested in terms of regulation 4 (2) must be attached)*

1. Full name of Applicant .....

Note: In the event of the application being made by a body corporate or a partnership, the name and capacity of the person who makes the application on behalf of the body or partnership must be stated .....

2. Postal Address .....

3. Physical Address .....

4. Telephone No. (including code) .....

5. Facsimile No. (including code) .....

6. E-mail (if any) .....

7. ID No./Passport No./Permanent Residence No./Work permit No./Registration No. of body corporate\* .....

*(\*Delete which is not applicable)*

8. In the case of a body corporate or partnership, the following information regarding manager/managing director/CEO\* must be provided:

Full Name: .....

Position: .....

ID, Passport No., Citizenship, Permanent Residence, Work Permit No.\*:.....

(\*Delete which is not applicable)

**9. In the case of a body corporate or partnership, full details of all directors, nature of shareholding/interest, other partners or members, as the case may be, must be provided as set out in Form PP/1A and must be attached to this application.**

**Nature of shareholding/interest (including percentage of Guyanese shareholding/interest) .....**

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

**10. Address of registered office in Guyana .....**

.....  
.....

**11. In the case of a body corporate, provide name, registration number and country of registration, of all holdings and subsidiary companies .....**

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

**12. Proposed name/trade name/registered name of retail outlet .....**

.....

**13. Name of supplying wholesaler .....**

**14. Physical location of proposed retail outlet (if physical location is not readily available, GPS reading may be provided).....**

.....  
.....

**15. In the case of application being made by a wholesaler who does not intend to operate the proposed retail outlet itself, the period, which the applicant intends to operate the retail outlet itself before entering into agreement with another person in terms of which, such**

other person will operate the proposed retail outlet.....

16. If applicant is not owner of proposed retail outlet, provide name and address of owner(s) .....

.....

17. The details of all activities to be undertaken under the retail licence (including services to be provided at the proposed retail outlet), facilities to be provided, and buildings, structures and plant to be used or erected .....

.....

*(If necessary, attach separate list)*

18. Has an environmental impact assessment study been conducted?

Yes  No

**19. Does applicant already hold a retail licence under the Regulations? If yes, provide retail licence number(s) and attach a certified copy of retail licence(s) to the application. Answers must be provided hereunder.**

**Holder of other licences Yes  No**

**Licence Number(s)** .....  
.....  
.....  
.....

**Declaration**

I,.....

hereby declare that I am not subject to any of the disqualifications as set out in regulation 26 and that the information submitted by me in this application is true and correct.

.....  
*Signature*

.....  
*Date*  
*(day/month/year)*

.....  
Name in Block Letters

## FORM PP/1A

## DETAILS OF DIRECTORS, OTHER PARTNERS OR MEMBERS, AS THE CASE MAY BE, OF APPLICANT

No.	Name	Capacity (e.g. director, partner etc)	ID/Passport No.	Citizenship	Postal & Residential Address	Telephone and Fax Numbers
1.						
2.						
3.						
4.						
5.						
6.						

*Note: Attach further pages if necessary*

**FORM PP/2**

**GUYANA ENERGY AGENCY      regs. 12(1), 15(1)m, 16(2)m, 62**  
**PETROLEUM AND PETROLEUM PRODUCTS REGULATIONS 2004**  
**APPLICATION FOR WHOLESALE LICENCE**

*(Regulations 12 (1), 16)*

*(Please note that where this form is completed by hand it must be completed in capital letters and that all documents requested in terms of regulation 12 (2) must be attached)*

**1. Full name of Applicant** .....

.....

Note: In the event of the application being made by a body corporate or a partnership, the name and capacity of the person who makes the application on behalf of the body or partnership must be stated .....

.....

**2. Postal Address**.....

.....

.....

**3. Physical Address** .....

.....

.....

**4. Telephone No. (including code)** .....

**5. Facsimile No. (including code)**.....

**6. E-mail (if any)** .....

**7. ID No./Passport No./Permanent Residence No./Work permit No./Registration No. of body corporate\***.....

.....

*(\*Delete which is not applicable)*

**8. In the case of a body corporate or partnership, the following information regarding manager/managing director/CEO\* must be provided:**

**Full Name:** .....

**Position:** .....

**ID, Passport No., Citizenship, Permanent Residence, Work Permit No.\*:**.....





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

*(If necessary, attach separate list)*

**13. Has an environmental impact assessment study been conducted?**

Yes       No

**Declaration**

I,.....  
hereby declare that I am not subject to any of the disqualifications as set out in regulation 26 and that the information submitted by me in this application is true and correct.

.....  
*Signature*

.....  
*Date*  
*(day/month/year)*

.....  
Name in Block Letters

FORM PP/2A

## DETAILS OF DIRECTORS, OTHER PARTNERS OR MEMBERS, AS THE CASE MAY BE, OF APPLICANT

No.	Name	Capacity (e.g. director, partner etc)	ID/Passport No.	Citizenship	Postal & Residential Address	Telephone and Fax Numbers
1.						
2.						
3.						
4.						
5.						
6.						

*Note: Attach further pages if necessary*

**FORM PP/3**

**GUYANA ENERGY AGENCY**                      **regs. 18(2)**

**PETROLEUM AND PETROLEUM PRODUCT REGULATIONS 2002**

**APPLICATION FOR CONSUMER INSTALLATION LICENCE**

*(Regulation 4 (1))*

*(Please note that where this form is completed by hand it must be completed in capital letters and that all documents requested in terms of regulation 17 (2) must be attached)*

**1. Full name of Applicant** .....

Note: In the event of the application being made by a body corporate or a partnership, the name and capacity of the person who makes the application on behalf of the body or partnership must be stated .....

**2. Postal Address**.....

**3. Physical Address** .....

**4. Telephone No. (including code)** .....

**5. Facsimile No. (including code)**.....

**6. E-mail (if any)** .....

**7. ID No./Passport No./Permanent Residence No./Work permit No./Registration No. of body corporate\***.....

*(\*Delete which is not applicable)*

**8. If applicant is a body corporate or partnership, full details of all directors, nature of shareholding/interest, other partners or members, as the case may be, must be provided as set out in Form PP/3A and must be attached to this application.**

**Nature of shareholding/interest (including percentage of Guyanese shareholding/interest)** .....

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

**9. Indicate type of consumer installation**

(i) Petrol.....

(ii) Diesel.....

(iii) Other (Specify).....

*(\*Delete whichever is not applicable)*

**10. Physical location of site where consumer installation is to be installed (where physical location is not readily available, GPS reading may be provided) .....**

.....  
(Note that where the consumer installation is not in use or is not to be permanently fixed to the earth, it must be stated and the location of usual storage must be provided.)

**11. Indicate if above-ground or under-ground storage tank is to be installed**

**12. Indicate if storage tank is to be permanently fixed to the earth .....**

**13. If applicant is not owner of the proposed site referred to in item 11, provide full name and address of owner(s) .....**

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

**14. Has an environmental impact assessment study been conducted?**

Yes  No

**15. Does applicant already hold a Licence under the Regulations? If yes, indicate type of Licence and provide Licence number and attach a certified copy thereof to the application. Answers must be provided hereunder.**

**Holder of other Licences Yes  No**

List type of Licence and Number .....

.....  
.....

16. Indicate below the nature of activities to which the proposed consumer installation will relate

Commercial/Industrial Undertaking

Other (specify) .....

17. If available and applicable, model and serial number of pump(s) or dispenser(s) to be used.....

.....  
.....

*(If serial number is not available at the time of submission of the application, it must be provided prior to the issue of licence.)*

18. Is the application being made for a temporary or permanent consumer installation? .....

19. In the case of an application for a temporary consumer installation, state period for which Licence must be issued.....

**Declaration**

I,.....  
hereby declare that I am not subject to any of the disqualifications as set out in regulation 26 and that the information submitted by me in this application is true and correct.

.....  
*Signature*

.....  
*Date*  
*(day/month/year)*

.....  
Name in Block Letters

FORM PP/3A

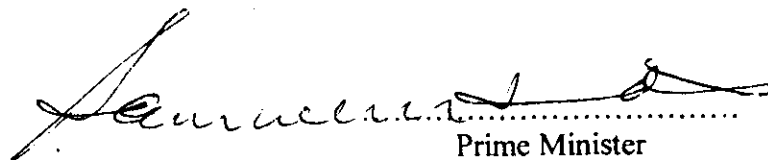
## DETAILS OF DIRECTORS, OTHER PARTNERS OR MEMBERS, AS THE CASE MAY BE, OF APPLICANT

No.	Name	Capacity (e.g. director, partner etc)	ID/Passport No.	Citizenship	Postal & Residential Address	Telephone and Fax Numbers
1.						
2.						
3.						
4.						
5.						
6.						

*Note: Attach further pages if necessary*

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Made this 19<sup>th</sup> day of October, 2004

  
.....  
Prime Minister