

STATUTORY INSTRUMENT

Supplement to the Sierra Leone Gazette Vol. CXLVII, No. 37

dated 4th August, 2016

THE PETROLEUM REGULATORY AGENCY (DOWNSTREAM PETROLEUM) REGULATIONS, 2016

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STATUTORY INSTRUMENT No. 8 OF 2016

Published 4th August, 2016

THE PETROLEUM REGULATORY AGENCY ACT, 2014

(Act NO. 3 OF 2014)

*THE PETROLEUM REGULATORY AGENCY
(DOWNSTREAM PETROLEUM) REGULATIONS, 2016*

Short title

In exercise of the powers conferred upon the Agency by section 32 of the Petroleum Regulatory Agency Act, 2014 the Agency hereby makes the following Regulations—

PART I—PRELIMINARY

1. In these Regulations unless the context otherwise requires- Interpretations.

“Act” means the Petroleum Regulatory Agency Act, 2014 (Act No. 3 of 2014);

“Agency” means the Petroleum Regulatory Agency established by section 2 of the Petroleum Regulatory Agency Act, 2014;

“bunkering” means the sale or supply of petroleum utilised by sea vessels or aircraft operating businesses outside Sierra Leone for cash or on credit which does not attract excise duty, sales tax or road user charge;

“bulk oil vessel” means any ship, boat or other floating craft laden with petroleum in bulk;

“certificated petroleum” means petroleum certified to be non-dangerous by a certificate of such description as the Minister may by notice publish in the Gazette, prescribe and grant at the port of shipment;

“bulk storage depot for petroleum products” means industrial facility for the bulk storage of petroleum products and from which these products are transferred to oil marketing companies;

“Commissioner-General” means the person appointed as Commissioner-General under section 19 of the National Revenue Authority Act, 2002 (Act No. 11 of 2002);

“dangerous petroleum” means petroleum which has a flashing point below seventy-three degrees fahrenheit;

“dealer” means an agent of a trader who by contract agrees to buy or to be supplied on credit, goods and brands of that trader’s products to sell solely for a commission or agreed margin;

“Director of Public Works” means the Professional Head of the Ministry responsible for works or such person as the Director of Public Works may appoint generally or specifically for any purpose;

“Executive-Chairman” means the Executive-Chairman of the Agency;

“fireproofed hardwood” means native timber SEMI (*Chlorophora excelsa*) or HENDUI (*Lophira alata var- procera*) treated with a fireproofing substance as prescribed by the Director of Public Works;

“filling shed” means a building used for the purpose of filling petroleum containers;

“filling station” means a facility which sells fuel or lubricants or both;

“flashing point” means the degree of temperature at which petroleum gives off an inflammable vapor upon being tested by the “Abel test apparatus”;

“independent petroleum inspection company” means a company that provide independent inspection or surveyor of cargo (import & export) and inland tank to tank petroleum oil movements;

“liquefied petroleum gas” or “L.P.G.” means any substance in a liquefied or gaseous state which is composed predominantly of any hydrocarbon such as propane, propylene, butane, normal butane or isobutene and butylene or their mixtures;

“Minister” means the Minister responsible for Trade;

“Ministry of Works” means the Ministry responsible for Works;

“owner” in relation to a bulk plant means any person who owns a storage tank or who is an industrial or utility user

“petroleum in bulk” means petroleum whether crude or otherwise, in any receptacle having a capacity of 1360 litres or upwards, whether on a ship or on shore;

“private oil jetty” means a place used to import and export petroleum products and store or release hydrocarbons and oils;

“port” includes terminal and wharf;

“refiner” means the importer of crude oil for the purpose of processing it into finished products, including lubricants;

“service station” means a facility which sells fuel or lubricant or both and have other facilities such as mini-market, tyre services, restaurants etc.

“Standards Bureau” means the Sierra Leone Standards Bureau established by section 3 of the Standards Act 1996 (Act No. 2 of 1996);

“testing officer” means the testing officer appointed by the Minister;

“trader” includes an oil marketing company and any person engaged in the petroleum business other than a refiner, dealer, importer, exporter or transporter;

“visiting officer” means, in the port of Freetown, the Harbour master or such person as he may appoint either generally or specifically for the purpose; and in any other prescribed port “visiting officer” means an officer of the National Revenue Authority.

PART II–PETROLEUM OPERATORS LICENCE

No petroleum operation without licence.

2. No person shall operate a business of importing, refining, transporting, trading or dealing in petroleum unless he holds a petroleum operators’ licence issued by the Agency .

Application for petroleum operators licence.

3. (1) A person who wishes to operate the business of an importer, refiner, transporter, trader or dealer in petroleum shall apply to the Agency for a licence .

(2) An application for a licence under sub-regulation (1), shall be in writing addressed to the Executive-Chairman and shall be accompanied by –

- (a) a certificate or other evidence that the applicant has registered a petroleum company in Sierra Leone to operate business as importer, refiner, transporter, trader or dealer of petroleum;
- (b) evidence of financial and other resources, including any storage facilities approved by the Director of Public Works and the Factory Inspectorate;
- (c) evidence that vessels or other means of shipment of petroleum, that are intended to be used for the business or operations of the company either owned or leased by the applicant are registered by the Sierra Leone Maritime Administration;
- (d) the particulars of the applicant, other promoters, directors and officers of the company;
- (e) such other information as the Agency may require; and
- (f) such fees as specified in the Second Schedule.

(3) Other resources referred to in paragraph (b) of sub-regulation (2) include –

- (a) in the case of an importer, that the applicant has his own storage facilities or produce evidence of leased storage tanks;
- (b) in the case of a trader, that the applicant has by contract, retail outlets licensed by the Agency for adequate distribution of petroleum to the public; and

- (c) in the case of a dealer, that the applicant has-
- (i) a contract with a trader for the supply of petroleum for sale to the public and the initials of the trader conspicuously displayed; and
 - (ii) a retail outlet licensed by the Agency for the storage, dispensing and sale of petroleum to the public.

Grant of petroleum operators licence.

4. (1) Upon receipt of an application, the Agency shall promptly acknowledge receipt thereof, and shall, within 60 days of receipt, decide whether to grant or refuse to grant a licence.

(2) A petroleum operators' licence granted under sub-regulation (1), shall be valid for a period of one year, renewable annually, on such terms and conditions as the Agency may prescribe and shall be in such form as set out in Part I of the First Schedule.

(3) When determining whether to grant or refuse a licence under sub-regulation (1), the Agency shall take into account-

- (a) the requirements for the relevant licence under sub-regulation (2) of Regulation 3;
- (b) the character and fitness of the applicant, promoters, directors and other officers of the company; and
- (c) the public interest.

(4) Where the Agency refuses an application for a licence under sub-regulation (1) of Regulation 3, it shall inform the applicant in writing stating the reasons for its decision.

5. (1) The Agency may, subject to these Regulations, suspend, revoke or vary a licence issued under sub-regulation (1) of Regulation 4 where it is satisfied that- ^{Suspension, revocation, variation, etc.}

- (a) the licensee has contravened the Act or these Regulations or any other regulations made under the Act;
- (b) the licensee has contravened a term or condition of his licence;
- (c) the licensee has given information to the Agency which is false or misleading in a material particular; or
- (d) it is in the public interest to do so.

(2) Subject to sub-regulation (3) the Agency may vary, suspend or revoke the terms and conditions of a licence for the reasons specified in sub-regulation (1)

(3) Where the Agency proposes to suspend, revoke or vary the terms of a licence under sub-regulation (2), it shall notify the licensee in writing, requiring him to show cause in writing, within such times as may be specified in the notice, why the licence should not be suspended, revoked or varied.

(4) The Agency shall, after considering the explanation of the licensee, inform him in writing of its decisions and reasons thereof.

6. A person aggrieved by the decision of the Agency to – Appeals.

- (a) grant or renew a licence under Regulation 4; or
- (b) suspend, revoke or vary a licence under Regulation 5, may appeal to the High Court.

PART III – IMPORTATION OF PETROLEUM IN BULK

Importation of petroleum in bulk.

7. (1) No person shall import petroleum in bulk into Sierra Leone unless, within ten days before the arrival of the petroleum, the information specified in sub-regulation (2) is submitted to the following institutions -

- (a) the Agency;
- (b) the National Revenue Authority;
- (c) the Standards Bureau; and
- (d) the Sierra Leone Ports Authority,

(2) The information to be submitted by a person who intends to import petroleum in bulk into Sierra Leone under sub-regulation (1) include-

- (a) the name of the vessel, tanker or other means of shipment;
- (b) the expected time of arrival of the vessel, tanker or other means of shipment;
- (c) the product grade;
- (d) the product quantity;
- (e) the country of origin;
- (f) the port or terminal of discharge; and
- (g) such other information as the Agency may require.

Importation only at prescribed ports.

8. (1) No person shall import petroleum in bulk into Sierra Leone except -

- (a) on a written consent of the Commissioner-General, subject to terms and conditions as he may prescribe; or
- (b) through a port of entry prescribed by the Commissioner-General.

9. The master of every ship having on board petroleum in bulk shall, on nearing the port and during the time the vessel remains in port, display at the mast head or where it can be seen, but not less than twenty feet above the deck -

Signals to be flown by petroleum vessel.

- (a) a red flag not less than three feet square during daytime; and
- (b) a red flag during nighttime.

10. (1) Subject to sub-regulation (2), the master of a ship carrying petroleum in bulk shall immediately on entering a prescribed port, deliver to the visiting officer a written declaration under his signature stating -

Written declaration of petroleum in bulk.

- (a) what quantity of petroleum the ship is carrying;
- (b) whether any part of it is dangerous petroleum;
- (c) whether any part of it is certificated petroleum;
- (d) what quantity of the petroleum is in bulk; and
- (e) what quantity of petroleum (specifying what part of it belongs to each of the classes (b) and (c) is intended to land at that port or at any other port in Sierra Leone

(2) Sub-regulation (1) shall not apply if in anticipation of a ship's arrival the agent of the ship delivers to the visiting officer a written declaration under his signature as prescribed in these Regulations,.

Certificate to be delivered with declaration.

11. If the master or agent declares that a petroleum which is intended to land at any port in Sierra Leone is a certified petroleum, the master or agent shall deliver to the visiting officer the certificate relating to the petroleum and his declaration.

Mooring of petroleum carrying ships.

12. The master of a ship carrying petroleum shall anchor or moor his ship at an anchorage or place as the visiting officer may direct, and shall not move his ship from the anchorage without the written permission of the visiting officer.

Master to give samples of petroleum.

13. (1) The master of the ship carrying petroleum shall, when required by the Commissioner-General, or such other authorised officer, including the Executive-Chairman, the independent marine surveyor or the Director of Standards Bureau, deliver to him, without charge, samples of every variety of petroleum which is intended to land at any port in Sierra Leone, for the purpose of having them tested by the testing officer.

(2) Where the samples referred to in sub-regulation (1) have been delivered to the Commissioner-General or other authorised officer, he shall forward them to the testing officer who shall soon as practicable, test them, sign and forward a report certifying that the samples meet the national specifications for different grades of petroleum.

(3) Petroleum shall, for the purposes of these Regulations, be deemed to be dangerous unless it is-

- (a) declared by the testing officer that it is not dangerous; or
- (b) certified.

14. No petroleum shall be discharged into storage unless the result of the testing officer referred to in Regulation 13 declares or certifies that the petroleum is fit for use in Sierra Leone.

Result of test to be known before discharge.

15. No Petroleum shall be discharged or allowed to escape into waters of any port in Sierra Leone.

Escape of petroleum product.

16. (1) When petroleum is imported in bulk, it shall be removed from the ship by a hose and a metal pipe of approved specification and shall be pumped into storage tanks of approved specification.

Mode of discharge.

(2) The pipe connection between the ship and the shore shall be effected by clamps, not by bolts.

(3) The discharge of petroleum shall commence not less than one hour before sunset and subject to sub-regulation (4) be continuous throughout the day and night subject, to the weather and appliances permitting, until completed.

(4) The discharge of petroleum may at any time be suspended with the permission and at the discretion of the visiting officer.

(5) When discharging petroleum, only electric lights shall be used.

(6) When a ship has finished discharging petroleum, the pipe to the storage-tanks shall immediately be emptied either by a supplementary pump on shore or by pumping water through it, but shall not be discharged into the port.

(7) Where the discharge of petroleum is at any time suspended, arrangements shall be made for a valve to prevent oil left in the pipe from escaping.

17. The following precautions shall be observed on all bulk oil vessels-

Precautions to be observed on bulk petroleum vessel.

- (a) every bulk petroleum vessel shall be fully equipped with efficient fire-fighting appliances and extinguishers of specifications approved by the Standards Bureau;
- (b) precautions for coping with an outbreak of fire shall be duly observed at all times;
- (c) at least two gas helmets shall be kept in a box in accessible positions, one placed amidships and the other placed at aft;
- (d) lightning conductors or other shall always be kept in efficient condition and hung over the side into the water;
- (e) lightning conductors shall not be necessary on any vessel having a sufficient substitute of a kind approved by the Standards Bureau;
- (f) during a storm accompanied by lightning, all discharging of petroleum shall be suspended and valves and tanks closed; and
- (g) when discharging petroleum a competent person shall be constantly on watch near the hose to warn the engineer in case of accident.

Additional precautions for dangerous petroleum.

18. The following precautions shall be observed when a bulk vessel discharges petroleum-

- (a) no smoking shall be allowed in any part of the vessel;
- (b) no boat shall be permitted to lie alongside or approach near to the vessel;
- (c) a connecting shackle attached to a strop secured inboard so that a tow rope can easily be fastened in case of emergency shall be hung over the bow and stern;

- (d) except with the approval of the visiting officer no anchor shall be down whilst the vessel is alongside for the purpose of discharging;
- (e) except in special cases with the approval of the visiting officer, all coffer dams shall be filled with water before the vessel comes alongside for the purpose of discharging, and shall be kept filled until the discharge is finished and the vessel is clear of inflammable vapour;
- (f) before the unloading pipes are connected up, the vessel shall, if the visiting officer so orders, have all fires and lights out on board except lamps, electric or otherwise, so designed, constructed and maintained as to be incapable of igniting inflammable vapour.
- (g) before commencing the discharge -
 - (i) the hatches shall be closed down gastight, except for the vent holes, and properly secured, and
 - (ii) all canvas awnings fore and aft on the main deck shall be furled; and
- (h) during discharge, no scraping, chipping or any other work which might cause sparks shall be permitted.

19. (1) Subject to sub-regulation (2), bulk vessel not discharging at the minimum rate of 80 tons an hour shall be removed from the port. Delay in discharge.

(2) Where any accident occurs affecting the pumps or other gear which causes the pumps to stop, allowance shall be made for the time used for repairs.

Discharged vessel not to remain at wharf..

20. After finishing discharging, a bulk oil vessel shall not remain alongside the port unless the tanks are thoroughly cleansed from inflammable vapour and a written permit to remain is obtained from the visiting officer.

Bulk installations.

21. Subject to these Regulations, imported petroleum shall, under the supervision of the Commissioner-General, be discharged into bonded bulk installations or other storage facilities constructed according to specifications prescribed in Regulation 23, approved by the Director of Public Works and licensed by the Agency.

Licences for bulk installations.

22. (1) Subject to these Regulations, the Agency may, upon application in the prescribed form, grant a licence for the storage of petroleum in bulk installations of up to 36, 320, 000 litres.

(2) A petroleum bulk installation licence shall be in the prescribed form as set out in Part II of the First Schedule.

Specifications for the constructions, maintenance and operation of bulk installations.

23. (1) Bulk petroleum installations shall be constructed, maintained and operated in accordance with this Regulation.

(2) The minimum distance between the outside of above-ground tanks and the boundary line of the adjoining property shall be as the Director of Public Works directs for any licence.

(3) The minimum distance between above-ground tanks shall be as follows-

Capacity of the larger of the two between which distance is to be measured in litres.	Minimum distance between tanks
100,000 or less...	Distance equal to the radius (or half the greatest horizontal dimension, if the tank is not cylindrical) of the tank or of the larger of the two tanks between which the distance is to be measured.
above 100,000...	Distance equal to the diameter (or the greatest horizontal dimension, if the tank is not cylindrical) of the tank or of the larger of the two tanks between which the distance is to be measured or 50 feet, whichever is the lesser.

(4) Each tank shall be made of mild steel or other approved material and shall be designed and constructed according to internationally accepted standards or other standards approved by the Director of the Standards Bureau and the Director of Public Works.

(5) The tanks may be arranged either entirely below or partly above or completely above the surface of the ground as follows-

(a) tanks entirely below the surface of the ground shall be covered to a minimum depth of twelve inches with the exception of manhole covers and where, in the event of serious leakage, there is a possibility of water supplies, courses or drainage systems adjacent to the tank being contaminated, the tank shall be completely surrounded by puddled clay not less than twelve inches in thickness or by fine concrete of a thickness approved by the Director of Public Works;

(b) tanks partly above the surface of the ground shall be set in one of the following methods-

(i) left exposed in a pit excavated in the ground, the sides of which are carried to easy slopes and the pit shall be capable of holding a volume of petroleum equal to the capacity of the largest tank plus 10 *per centum* of the total capacity of the other tanks and may be bonded with clay or other impermeable core to reduce the tank yard area;

(ii) sunk not less than five feet and mounded over with soil to a minimum depth of twelve inches with the exception of the manhole covers, in the case of tanks not exceeding nine feet in diameter or alternatively, in height;

- (iii) sunk less than five feet and mounded as in sub-paragraph (ii) and the soil shall be supported by retaining walls constructed of brick, concrete or as otherwise approved by the Director of Public Works.

(6) In the event of a serious leakage and there is possibility of water supplies, courses or drainage systems adjacent to the installation to be contaminated-

- (a) where as in sub-paragraph (i) of paragraph (b) of sub-regulation (5), a tank is left exposed in a pit excavated in the ground, the floor and sides of the pit shall be formed of concrete or as otherwise approved by the Director of Public Works;
- (b) where as in sub-paragraphs (ii) and (iii) of paragraph (b) of sub-regulation (5), a tank is sunk not less than five feet, the tank shall be completely surrounded by puddled clay of not less than twelve inches in thickness, or by fine concrete of a thickness approved by the Director of Public Works;
- (c) tanks completely above the surface of the ground may be applied as a further alternate method for use with tanks partly above the surface of the ground;
- (d) tanks completely above the surface of the ground shall-
 - (i) be supported on a foundation of brick, masonry, concrete, dry rubble or other approved material, and shall be surrounded by brick, stone or concrete

walls or earth bund capable of holding a volume of petroleum equal to the volume of the largest tank plus 10 *per centum* of the total capacity of the other tanks and, where, in the event of a serious leakage, there is a possibility of water supplies, courses, or drainage systems adjacent to the installation being contaminated, the floor of the pit or well shall be formed of concrete or as otherwise approved by the Director of Public Works;

- (ii) be provided with an air space of not than 2 1/8 percent of their capacity (including the manhole) to allow for expansion;
- (iii) have a fire proof roof over uncovered tanks where special conditions exist such as danger from sparks;
- (iv) be adequately protected from rust and where exposed shall be painted white or some other light colour; and
- (v) not be connected with any pit, well or drain either permanently or temporarily.

(7) Where the bulk installation consists of a number of tanks of a total capacity of 18,160,000 litres or more, intermediate bund walls up to half the height of the main bunds or of a height of two feet, whichever is the less, shall be built as fire breaks.

(8) The space over buried tanks shall not be used for any purpose other than as a temporary store for empty metallic packages.

(9) All manholes and other openings, except ventilation pipes, shall be air-tight when closed.

(10) All pumping mains and pipes shall be furnished with a means of stopping a flow of petroleum from the tanks in the event of any damage to the pipe lines.

(11) All enclosures surrounding tanks, when the latter are mounted on concrete foundations and when the entire bed within the enclosure is of concrete, shall be drained by a pipe fitted with a valve actuated from the outside of the enclosure; and such valve shall be always kept closed when actually in use, such that no water shall be allowed to accumulate in the enclosure.

(12) All tanks shall be provided with ventilation pipes or openings which shall be protected by double diaphragms of strong and non-corrodible wire gauze having a mesh of not less than thirty by thirty to the inch, the diaphragms shall be spaced not less than three inches apart.

(13) The roofs of all tanks shall be air-tight except for the ventilating opening referred to in sub-regulation (12).

(14) All leaks in tanks shall be promptly repaired.

(15) No fire or naked lights shall be permitted within the installation except in buildings that are set apart for officers, soldering sheds, laboratories, living quarters, engine-rooms, boiler-houses or smithies.

(16) The capacity of a tank in litres shall be conspicuously marked on the litres or such other specification as the Minister may require in any particular case.

Special requirements for bulk liquefied petroleum gas installations.

24. (1) The following shall apply with regards to the tanks, cylinders, equipment and appliances used in the storage, handling and use of liquefied petroleum gas-

- (a) tanks, cylinders, equipment and appliances used in the storage, handling, and use of liquefied petroleum gas shall be of a type and construction suitable for such purposes;

- (b) shutoff valves and equipment, liquid or gas which may be subjected to container pressure shall be suitable for liquefied petroleum gas service and be designed for not less than 113.4 kilogram per square inch;

(2) All connectors or fittings shall be used throughout liquefied petroleum gas systems unless suitable for the particular purpose used and the design and material used in all connectors and fittings shall provide strength sufficient to prevent failure within the maximum pressure to which they may be subjected in normal operation.

25. (1) Liquefied petroleum gasses shall be effectively odorized to give a positive indication of the presence of gas, in case of leakage.

Stet of liquefied petroleum gas.

(2) Safety devices shall be installed and maintained in good working condition .

26. (1) Tanks and cylinders shall be located outside of buildings other than buildings especially provided and meeting industry standards for this purpose.

Location of tanks and cylinders.

(2) Cylinders may be temporarily used indoors-

- (a) if used for demonstration purposes and the cylinder has a maximum water capacity of 12 pounds;
- (b) if used with a completely self-contained gas hand torch or similar equipment, and the cylinder has a maximum water capacity of 2 ½ pounds;
- (c) when used for industrial purposes, the maximum capacity limitation may be extended up to 136.08 kilograms;

- (d) when used as motor fuel in industrial trucks covered by industry standards;
- (e) whenever it is practicable, and the tanks shall be installed above ground but when installed below ground, they shall conform to all requirements;
- (f) before installation and shall be treated with a special corrosive resisting coating, which shall consist of the following-
 - (i) hot-dip galvanizing; and
 - (ii) two preliminary applications of red lead followed by a heavy coating of coal tar or asphalt or other approved treatment

(3) During the operation of placement underground care shall be taken to prevent damage to the coating on the tank.

(4) Proper care shall be taken in the selection of the spot where the tank is placed so that adequate precautions can be taken to avoid future shifting and setting.

(5) Inspection certificates shall be posted and kept readily available to Agency inspectors.

Use of hose and fabrication.

27. (1) Where a hose is to be used for transferring liquid from one tank to another, wet hose shall be used and it shall be equipped with suitable shut off valves at the discharge end.

(2) Flexible hose may be used on the low pressure side of a system provided that it is of substantial construction, the connectors are designed for such use and precautions are taken to prevent excessive hydrostatic pressure in the hose.

(3) A hose shall be-

- (a) fabricated of materials that do not deteriorate through action of liquefied petroleum gas and shall be of sufficient strength to withstand mechanical handling at maximum developed pressure or excess temperatures; and
- (b) so installed that it will not be adversely affected by high temperatures from the consuming appliance

28. (1) Only authorised attendant shall connect, disconnect or remain close to the operation at all times during the transfer of liquefied petroleum gas. Transfer of liquids.

(2) The transfer of liquids shall not be done near an open flame or other source of ignition.

(3) No person shall fill or refill any tank or cylinder with liquefied petroleum gas unless the tank or cylinder is designed and constructed for that purpose and with authorisation from the owner of the tank or cylinder.

(4) Gas or liquid shall not be vented into the atmosphere to assist in transferring contents of one container to another except where listed pumps utilising LP-Gas is used in the vapour phase as a source of energy, and venting such gas to the atmosphere at a rate not exceeding that from a No.31 drill size opening, and such venting and liquid transfer shall be located not less than 50 feet from the nearest building.

(5) Tanks and cylinders shall be gauged and charged only in the open air or in buildings specially constructed or provided for that purpose.

(6) The maximum vapour pressure of liquefied petroleum gas which may be transferred into a tank or cylinder shall be in accordance with accepted practice in the industry for the particular type of gas being handled.

(7) No person shall smoke while engaged in the transfer of liquefied petroleum gas into tanks or cylinders during any stage of connecting, disconnecting or transfer.

Installation or filling of tanks or cylinders.

29. (1) Vaporizers shall not be installed inside any storage tank or cylinder.

(2) Filling connections on tanks and cylinders which are filled at the installation shall be provided with effective automatic check valves and pressure reducing regulators which shall be connected to the shut off valve directly or by means of a suitable flexible connection and in either case the connection shall be rigidly supported.

(3) There shall be no more than two plugged openings on a tank or cylinder of 9,080 or less litres water capacity.

(4) Tanks and cylinders shall be set upon firm foundations or otherwise firmly secured vessels which shall have flexible piping connections or special fittings if a setting condition may affect the safety or the connections.

Repairs of tanks or cylinders.

30. (1) No repairs by welding shall be done on any pressure part or a liquefied petroleum gas system, unless the system has been purged.

(2) Repairs by welding shall be made only by a qualified welder employed by the manufacturer of the equipment, or by a distributor or user authorised to do so and approval by the Director of Public Works.

(3) Tanks and cylinders shall be kept properly painted or otherwise treated to provide adequate protection against the effects of weather exposure.

(4) Readily ignitable materials including weeds and long dry grass shall be removed within ten feet of any tank or cylinder, and the area maintained in a clear condition.

31. (1) Every employee whose duties involve the handling of liquefied petroleum gas, or the installation, repair, or maintenance of a liquefied petroleum gas system, shall be thoroughly instructed on the properties of liquefied petroleum gas and trained in all details of his responsibilities with respect to safe practices in the handling, transportation and use of liquefied petroleum gas. Employees to be instructed.

(2) Distributors shall furnish complete instructions to employees and users on the proper care and use of systems which they install or service.

32. (1) No person other than a representative of the owner, or distributor of a vessel or of a recognised service agency, such as a fire department, police department, civil defense agency, or other public agency shall connect or disconnect any tank or cylinder. Persons authorised to connect or disconnect tank or cylinder.

(2) Owners or distributors of tanks and cylinders shall remove such vessels from establishments within ten days upon notification.

33. (1) Liquefied petroleum gas tanks shall be designed, constructed, tested and inspected by the Standards Bureau, the Chief Factory Inspector and the Director of Public Works. Design and inspection of liquefied petroleum gas tanks.

(2) Inspection of above ground tanks shall be in accordance with the regular procedure prescribed by the Department of Works.

(3) Safety equipment and connections to underground tanks shall be annually inspected by the Agency and the Director of Public Works.

(4) The complete inspection of the underground tank shall be conducted at least once every 5 years.

(5) A metal plate at least 60 square inches in area and of substantially the same material and finish as the tank and stamped with the number of the vessel, shall be buried adjacent to the tank and dug up at least once every 5 years.

(6) If the plate shows evidence of corrosion, the tank shall be completely exposed for inspection.

(7) In cases of bulk storage in heavily populated or congested areas, special care shall be taken to ascertain safe limits of tank capacity, total storage and proper distances from buildings and other areas.

(8) Annual certificates of operation shall be obtained as required by these Regulations in respect of licensing and renewal of licences.

Location of liquefied petroleum gas tanks.

34. (1) Tanks shall be located with respect to the nearest building or line of adjoining property which may be built upon according to the following tables-

Water Capacity per Container (in litres)	Minimum Distances Containers (in feet)		Between Aboveground Containers (in feet)
	Above ground	Underground	
Less than 567.50	10	None	None
567.50-2,270	10	10	3
2,274.54-9,080	25	25	3
Over 9,080	50	50	3

(2) The distance requirements described in sub-regulation (1) may be reduced to not less than 10 feet for a single container of 5,448 or less litres water capacity if the container is at least 25 feet from another LP-Gas container of more than 567.50 litres water capacity.

Bulk storage.

35. (1) The Department of Works may require fire walls designed and constructed in accordance with good engineering practices in industrial installations involving tanks of large capacity, where serious mutual exposure between the tank and adjacent properties exist.

(2) In the case of buildings devoted exclusively to gas manufacturing and distributing operations the distance specified in Regulation 34, relating to location, may be reduced and tanks may not be located without regard to the safety of employees or the public.

36. (1) Storage tanks installed above ground, except for skid tanks, shall be provided with substantial masonry or non-combustible structural supports on firm masonry foundations. Support of storage tanks.

(2) Horizontal tanks shall be mounted on saddles to permit expansion and contraction and every tank shall be so supported to prevent the concentration of excessive loads on the supporting portion of the shell.

(3) Structural metal supports may be employed when they are protected against fire in an effective manner and a suitable means of preventing corrosion shall be provided on that portion of the tank in contact with the foundation of saddles.

(4) Tanks of 9,080 or less litres water capacity may be installed with ferrous metal supports if mounted on concrete pads or footings if the distance from the outside bottom of the tank shell to the ground does not exceed 24 inches.

(5) Tanks with the foundations attached that are portable or semi portable tanks with suitable steel runners or skids and usually known in the industry as skid tanks, shall have the supports designed, installed and used in accordance with accepted practice in the industry.

(6) Skids or lugs for attachment of skids shall be firmly secured and shall not be used in place of tank trucks, tank trailers or tank semitrailers for regular deliveries.

37. (1) Escape pipes from safety relief valves on tanks of 9,080 or more litres water capacity shall be provided and shall discharge into the atmosphere at least seven feet in a vertical direction from the tank and shall not be obstructed. Escape pipes.

(2) Escape pipes shall also be fitted with loose rain caps at the pipe terminal and shall be arranged so that the discharge into the atmosphere is more than five feet from any building opening.

PART IV – BULK FILLING PLANTS

Location of filling plants. 38. (1) The cylinder filling rooms shall be located far from storage tanks and such distance shall not be less than 10 feet.

(2) Tank truck filling station outlets shall be located far from pumps and compressors and shall not be less than 10 feet.

(3) Where pumps and compressors are housed in one or more separate buildings they shall also be located far from storage tanks and all sources of ignition, but the distance shall not be less than 10 feet from tanks and 25 feet from sources of ignition.

(4) No boiler or any source of ignition shall be located in a building used for filling purposes except when permitted by the Director of Public Works.

Tank storage. 39. (1) Tank storage areas shall be fenced with a 6 foot high industrial type fence or equivalent protection where required by the Director of Public Works, and in such cases at least two means of access to the enclosures shall be provided.

(2) There shall be adequate lighting provided for illumination purposes using explosion proof equipment.

(3) There shall be adequate fire protection available at all times and suitable means of access to storage areas shall be provided for firefighting equipment, using a minimum of 12 B C rating portable fire extinguisher.

PART V – STORAGE OF PETROLEUM OTHER THAN IN BULK INSTALLATIONS

No storing of petroleum without licence. 40. (1) Except in accordance with Regulations 21 and 22, no person shall store petroleum unless he holds a store licence issued by the Agency.

(2) A licence issued under sub-regulation (1) shall not apply to –

- (a) petroleum kept either for use or for sale, where the aggregate amount does not exceed 199.76 litres;
- (b) diesel or kerosene kept either for use or sale, where the aggregate amount does not exceed 199.76 litres; or
- (c) liquefied petroleum gas not exceeding 245.01 Kilograms.

41. (1) Store licences issued under Regulation 40 shall be as follows— Types of store licences.

- (a) **“A” licence** - a licence to keep petrol in a quantity exceeding 199.76 litres, comprising—
 - (i) licence A1 as set out under Part III of the First Schedule for petrol between 205 litres and 904 litres in quantity; and
 - (ii) licence A2 as set out under Part III of the First Schedule for petrol between 905 litres and 2,000,000 litres;
- (b) **“B” licence** - a licence to keep diesel in a quantity exceeding 199.76 litres, comprising—
 - (i) licence B1 as set out under Part III of the First Schedule for diesel between 205 litres and 904 litres in quantity; and
 - (ii) licence B2 as set out under Part III of the First Schedule for diesel between 905 litres and 2,000,000 litres;
- (c) **“C” licence** - a licence to keep kerosene and jet A1 fuel, in a quantity exceeding 199.76 litres, comprising -

- (i) licence C1 as set out under Part III of the First Schedule for kerosene and jet A1 fuel between 205 litres and 904 litres in quantity; and
- (ii) licence C2 as set out under Part III of the First Schedule for kerosene and jet A1 fuel between 905 litres and 2,000,000 litres;
- (d) **“D” licence** - a licence to keep heavy fuel oil, in a quantity between 205 litres and 1,000,000 litres; as set out under Part III of the First Schedule and
- (e) **“E” licence** - a licence to keep liquefied petroleum gas, in a quantity of weight exceeding 2500 Kg $((20 \times 28) * 0.4536 \text{ Kg})$ as set out under Part III of the First Schedule.

(2) Licences referred to in sub-regulation (1) shall be applied for, and granted in respect of specified premises.

Application for store licence.

42. (1) Any person who wishes to obtain a store licence for any premises, which it is proposed to erect or which have already been erected, shall forward a plan and description of the premises to the Director of Public Works and shall at the same time apply to the Director of Public Works for a certificate which, if granted, shall state—

- (a) that the premises concerned complies with Regulations 23 and 14 as are relevant to the licence required;
- (b) if the licence required is a Licence A1 whether he approves of the premises concerned;
- (c) if the licence required is a Licence A1 or A2, where he approves of the position of the store, bin, pit or tank;

- (d) if the licence required is a Licence A2 or E, that the premises, if situated in Freetown, are situated in a section in Freetown in which inflammable roofs are prohibited;
- (e) if the licence required is a Licence A2 or E, how far such store is from the nearest building, and whether, having regard to the nature of the neighbouring buildings, it is desirable that the licence required should be granted; or
- (f) if the licence required is a Licence A2 or E, the quantity of dangerous petroleum or non-dangerous petroleum which in his opinion may properly be stored on the premises

(2) When a Licence A1 or A2 is required, the Director of Public Works may require the application for a certificate under this Regulation to be accompanied by a plan of the store, bin, pit, or tank, which shall also show the position of every building within one hundred and fifty feet of the store, bin, pit, or tank; and the Director of Public Works may require that such plan shall be of a scale not less than thirty feet to the inch.

43. A person applying for a Licence A1 in respect of a store shall –

- (a) ensure that the store is made of concrete or brickwork of not less than nine inches in thickness and shall have no exposed wood-work;
- (b) ensure that the roof of the store is of corrugated iron or some other non-inflammable material and the store shall be properly ventilated to the satisfaction of the Director of Public Works;

Provisions applicable to store in case of Licence A1.

- (c) prohibit smoking in or within 20 feet of every store and shall put a notice board painted red and bearing the words "Petroleum Store Danger"
- (d) put on a conspicuous part of the store a 'No Smoking' sign in white letters 3 inches in height;
- (e) ensure that every person employed in connection with or in the immediate neighbourhood of any petroleum store abstains from every act that is likely to cause fire and shall endeavour to prevent any other person from committing such act;
- (f) provide three buckets of not less than 13.62 litres each, filled with dry sand;
- (g) ensure that no drum or other container containing petroleum is opened or exposed in the store, nor any petroleum drawn off or changed from one container to another in the store;
- (h) ensure that no inflammable goods are stored within 10 feet of the store;
- (i) prohibit the soldering of petroleum containers or the application of any operation in which fire or heat is used within 25 feet of the store.

Provisions applicable to store in case of Licence A2.

44. (1) Where petrol is stored in a quantity exceeding 908 litres, the following provisions shall apply -

- (a) Regulation 23 in so far as it is not inconsistent with this Regulation;

- (b) the store shall be constructed with external walls of a thickness of not less than twelve inches and built of mass concrete in situ or of concrete block work or of brickwork;
- (c) the walls built of concrete block work or of brickwork shall be rendered inside with cement plaster of a thickness of not less than three-quarter of an inch;
- (d) no building in which a Licence A2 is operated shall be of more than one floor;
- (e) the roof of any building in which a Licence A2 is operated shall be of concrete of corrugated iron on steel trusses, with no wooden members and of a design approved by the Director of Public Works;
- (f) ventilators shall be fixed on a building in which a Licence A2 is operated as shall be required by the Director of Public Works;
- (g) the doors and widow shutters of any building in which a Licence A2 is operated shall be of steel or iron one-eighth of an inch in thickness and shall be hung on steel or iron frames or on steel or iron hinges fixed directly and securely to the wall and all doors and window shutters shall fit neatly in the frames or flush with the walls;
- (h) the door of any building in which a Licence A2 is operated shall be of non-inflammable material such as cement, concrete, stone, brick or earth and shall slope to a small catch pit and shall not have a floor above the general ground level except in the case of a store built in an area liable to flooding in which case the form of construction to be adopted shall be subject to the approval of the Director of Public Works;

(2) The Director of Public Works may require walls built of concrete to be plastered with cement where necessary.

(3) A building in which a Licence A2 is operated shall-

- (a) have the cubic capacity between the floor and the lowest opening equal to 75 percent of the cubic contents of petrol to be stored and the store below the level of the lowest opening shall be designed as a tank and the thickness of the walls and method of construction shall be subject to the approval of the Director of Public Works;
- (b) have the floor at ground level and the store wholly surrounded by an unbroken wall or embankment constructed of concrete, stone, brickwork or earthwork of such height and at such distance from the store as the Director of Public Works shall approve and for the purposes of these Regulations, the wall or embankment shall be considered as part of the premises.

Provisions applicable to store in case of Licences B,C and D.

45. (1) Licensees with stores holding diesel, kerosene and jet A1 fuel or heavy fuel oil in quantities of between 204.30 and 903.46 litres shall comply with the following-

- (a) ensure that the walls of the store be of concrete, stonework, brickwork, sundried brickwork, rammed earth pise or corrugated iron steel, iron or fire-proofed hardwood;
- (b) ensure that the roof of the store shall be of corrugated iron on steel or iron trusses, purlins or rafters or on fire-proofed hardwood;

(c) ensure that the floor of the store be of concrete, stone, sand or ordinary earth;

(d) ensure that the store shall not form part of or be attached to another building unless the intervening floor or wall is of concrete, stonework or brickwork, without any opening, which design and construction has been approved by the Director of Public Works;

(e) ensure that the store have an entrance or entrances of a convenient size in an external wall in order that the petroleum may quickly be removed in case of fire;

(f) prohibit smoking in or within 20 feet of any store and a notice board painted red and bearing the words "Petroleum Store Danger No Smoking" in white letters 3 inches in height be erected, on a conspicuous part of the store;

(g) provide within the store, three buckets of a capacity of not less than 13.62 litres each, filled with dry sand;

(h) ensure that all exposed woodwork shall be fire-proofed hardwood;

(i) ensure that unless it has been made intrinsically safe, the soldering of tins, drums or other receptacles containing petroleum or the application of any operation in which fire or heat is used is prohibited.

(2) Subject to sub-regulation (1), licensees with stores holding diesel, kerosene or heavy fuel oil in quantities of between 905 litres and 2,000,000 litres, shall comply with the following -

- (a) the walls of the store shall be constructed with concrete, stonework, brickwork, sundried brickwork or rammed earth pisé;
- (b) the frames of the doors and windows shall be constructed of steel, iron or fire-proofed hardwood and all wood-work exposed within the store shall be fire-proofed hard wood.

Provisions applicable in case of Licence E.

46. (1) Notwithstanding anything to the contrary in these Regulations, a Licence E may be granted for keeping liquefied petroleum gas in containers on specified premises where-

- (a) the liquefied petroleum gas is contained in air-tight galvanized sheet iron, steel or lead plate containers fitted with well-made filling holes and well-fitting screw plugs or fitted with screw caps or other metal air-tight caps;
- (b) all containers are substantially constructed and secured as not to be liable, except in circumstances of grave negligence or extraordinary accident, to be broken or become defective, leaky or insecure;
- (c) the nature of the contents and the words "Highly Inflammable" is distinctly marked on all liquefied petroleum gas containers;
- (d) the liquefied petroleum gas containers are kept in iron bins of at least one sixteenth of an inch thick or concrete or brick-lined cement-faced pits constructed to the approval of the Director of Public Works, with a close-fitting iron door or manhole cover and with a ventilation pipe of not less than one inch in diameter communicating with the open air at least ten feet from the ground and at least ten feet from any door, window, chimney or exhaust pipe above the roof;

- (e) the door opening of such bins or pits are at such height that the portion below the opening can contain 5 per cent in excess, without flow of the quantity of liquefied petroleum gas allowed to be stored;
- (f) not more than 2,500 Kilograms or (200 x 28)* 0.4536 containers of petroleum gas are kept in any bin or pit on the premises at any time outside such bin or pit, except when it is desired to keep liquefied petroleum gas on the premises in metal containers of capacities of not less than 28 lbs and of not more than seven metric tons for the purposes of distribution by means of approved appliance in which case such metal container for each approved appliance shall be allowed to be kept on the premises outside the bin or pit;
- (g) every bin or pit is at least twenty feet from the nearest part of any other bin or pit on the same or on other premises.

(2) No container shall be filled or replenished with liquefied petroleum gas and the contents of any such container shall not be exposed to fire or artificial light, except electric light from a lamp enclosed in double glass within a wire cage, the outer glass being air-tight and no fire or artificial light capable of igniting inflammable vapour shall be brought within dangerous proximity to the place where any container of liquefied petroleum gas is kept; nor shall any filling or replenishing be carried out within the premises.

(3) Every person shall-

- (a) while managing or employed in connection with any garage, store, bin, pit or container where or in which liquefied petroleum gas is being kept in excess of 317.52 Kg shall abstain

from smoking and from every other act which may cause fire or explosion and which is not reasonably necessary;

- (b) be prohibited from smoking and a “No Smoking” notice shall be put up in a conspicuous place on the premises.

(4) The application for a liquefied petroleum gas licence under this Regulation shall be accompanied by a certificate from the Director of Public Works approving the site and plans showing the construction of the bins.

PART V – NON-BULK STORAGE OF LIQUIFIED PETROLEUM GAS

Design, construction, test and inspection of gas cylinders.

47. (1) Liquefied petroleum gas cylinders shall be designed, constructed, tested, and inspected in accordance with such standards prescribed by the Standards Bureau.

(2) All distributors of liquefied petroleum gas shall keep accurate record of all installations at a point of distribution and such records shall be readily available to inspectors of the Agency.

(3) Where liquefied petroleum gas and one or more other cylinder gasses are stored or used side by side, labels shall be used to identify the content of the cylinder.

Location.

48. Liquefied petroleum gas cylinders shall not be installed within a horizontal distance of 5 feet when possible, but in no case less than 3 feet of any building opening located below outlet level and shall not be installed one above the other when placed in service.

Safety devices.

49. (1) All liquefied petroleum gas cylinders shall be equipped with effective safety relief valves and other safety devices designed to prevent accidents.

(2) All liquefied petroleum gas cylinders which are refilled at the installation point shall be provided with check valves.

(3) Fusible plugs may be accepted on liquefied petroleum gas cylinders constructed prior to the commencement of these Regulations, but they shall not be acceptable in lieu of safety devices on new construction.

50. (1) Liquefied petroleum gas cylinders on the premises of ^{Premises of users.} users which are not connected for use shall-

(a) be enclosed in rooms of fire-resistive construction separated from any other occupancy or storage;

(b) not be artificially heated beyond a temperature of 60°F and not placed in locations where they are liable to excessive heat exposure from any source;

(c) be ventilated to the outer air.

(2) When stored in the open air, liquefied petroleum gas cylinders shall be protected against the effects of weather and their location shall be a safe distance from any area accessible to the public.

(3) Valves shall be closed on any full or empty cylinders.

51. (1) Cylinders for resale or distribution shall be stored on ^{Resale or distribution.} the premises of such owner or distributor in-

(a) buildings, enclosed in fire-resistive rooms separated from any other occupancy or storage;

(b) rooms not artificially heated beyond a temperature of 60°F or in locations where they are liable to excessive heat exposure from any source;

- (c) a room or compartment which shall not be below ground level and shall have no openings communicating with other occupancies;
- (d) a space below the floor which shall be of solid fill or be properly ventilated to the open air.

(2) The building, compartment or room shall be vented top and bottom to the outside only and the outlet of such vents shall not be within five feet of any other building opening, and such storage of containers shall not be adjacent to any place of public assembly.

(3) When stored in the open air, liquefied petroleum gas cylinders shall be protected against the effects of weather and their location shall be a safe distance from any area accessible to the public.

(4) Valves shall be closed on all empty liquefied petroleum gas cylinders.

(5) Readily combustible materials shall not be piled within 10 feet of cylinders in storage and a warning sign shall be conspicuously posted.

52. (1) Liquefied petroleum gas cylinders shall be filled according to sub-regulation (1) of Regulation 24 and at a properly equipped cylinder filling plant or tank truck which complies with all the requirements of Regulation 24.

(2) The filling plant or tank truck may be located in a trailer camp provided that the entire filling operation, including the cylinder, is located not less than 50 feet from the nearest trailer or building and not less than 25 feet from any public street or highway.

(3) The filling plant shall be enclosed by a 6 foot high industrial type fence or otherwise protected from tampering or from physical damage and access to the enclosed area shall be kept locked when unattended.

Filling of cylinders.

(4) The liquefied petroleum gas cylinder-filling operation shall only be performed by qualified personnel and only when adequate safe lighting is provided.

53. (1) An application for a liquefied petroleum gas store licence shall be made to the Executive-Chairman by either a trader or a dealer.

Application for liquefied petroleum store licence.

(2) Every application for a liquefied petroleum gas store licence shall be accompanied by the certificate issued by the Director of Public Works.

(3) The Executive-Chairman shall, on receiving an application for a liquefied petroleum gas store licence, issue a notice under his hand in the form prescribed in Part IV of the First Schedule or as the circumstances shall permit.

(4) The Executive-Chairman shall cause the notice to be published once in the *Gazette* and to be affixed for a period of not less than ten days, outside the police station nearest to the proposed site of the premises, if in Freetown, or if elsewhere, outside the office of the District Officer.

(5) The notice shall fix a day for the hearing of the application for a licence which shall not be less than ten days from the date of the publication.

(6) Subject to sub regulation (7) the Agency shall grant a liquefied petroleum gas licence if it is satisfied -

- (a) that the premises, in respect of which the licence is applied for, complies with Regulations 22 and 24 as are relevant to the licence required;
- (b) in the case of a Licence A2 or E, that the premises, if situated in Freetown, is situated in a section of Freetown in which inflammable roofs are prohibited;

- (c) in the case of a Licence A2, that a clear space of at least three feet in width will be left between the various storage sheds and a clear space of at least twenty, thirty, fifty or seventy feet between such sheds and the boundaries of the licensee's premises;
- (d) that the applicant desires the store or tank to be licensed to contain-
 - (i) more than Nine Hundred and Eight litres and less than Twenty Two Thousand litres;
 - (ii) more than Twenty Two Thousand Seven Hundred litres and less than One Hundred and Thirteen Thousand Five Hundred litres;
 - (iii) more than One Hundred and Thirteen Thousand Five Hundred, Two Hundred and Twenty Seven Thousand litres and less than Two Hundred and Twenty Seven Thousand litres; or
 - (iv) more than Two Hundred and Twenty Seven Thousand litres.
- (e) in the case of a Licence E, that a clear space of at least three feet in width will be left between the various storage sheds, and a clear space of at least twenty or forty feet between such sheds and the boundaries of the licensee's premises;
- (f) the applicant desires the store or tank to be licensed to contain -

- (i) more than thirty metric tons, or less than fifty metric tons; or
- (ii) more than fifty metric tons respectively.

(7) A liquefied petroleum gas store licence shall be in the form as set out in Part III of the First Schedule.

(8) The Executive-Chairman may in his discretion withhold a licence if he is of the opinion that the nature of the neighbouring buildings is such as to render it undesirable to grant a licence, notwithstanding that the above conditions as to distances have been satisfied.

(9) Where the Director of Public Works has issued a certificate, the Agency may decide whether to grant or refuse to grant a licence, based on such certificate.

(10) Provided, where such certificate has been granted, the Agency shall not refuse to grant a licence based on some question of fact contained in the certificate and shall not form an opinion contrary to that expressed in the certificate, without hearing the evidence of the Director of Public Works.

54. No petroleum shall be kept or sold in a building which has thatched roof.

Thatched buildings prohibited.

55. (1) Petroleum for which no store licence is required under these Regulations shall be kept or stored in steel, iron drums or tins which shall be so constructed and maintained to prevent leakage of liquid or vapour.

Unlicensed petroleum kept in metal containers.

(2) All due precautions shall be taken for the prevention of accidents by fire or explosion and for the prevention of unauthorised persons having access to any petroleum not kept or stored under licence and the receptacles containing, intended to contain or having contained such petroleum.

Hawking of kerosene.

56. (1) No person shall hawk kerosene unless the person holds a hawker's licence issued by a local council for and within its area of authority or by the Agency, if such council or the Agency is Satisfied that the applicant is a fit and proper person for the hawking of kerosene.

(2) An applicant may be considered a fit and proper person under sub-regulation (1), if in the opinion of the trader supplying the kerosene, the Standards Bureau and the Sierra Leone Road Transport Authority, the applicant has adequate facilities, including the vehicle for the purpose.

(3) For the purposes of this Regulation, a person shall be deemed to hawk kerosene, if he goes from street to street or house to house in one or more places, offering kerosene for sale.

Kerosene hawker's licence.

57. (1) A person who acquires a kerosene hawker's licence shall—

- (a) take proper care to prevent any kerosene escaping into any part of a house, building, curtilage, drain or sewer; and
- (b) take due precautions to prevent accidents by fire or explosion, and every person concerned in hawking in kerosene shall abstain from any act which tends to cause fire or explosion.

(2) No article or substance of an explosive or inflammable nature, other than kerosene, nor any article liable to cause fire or explosion shall be in any vehicle while such vehicle is being used for the purpose of hawking kerosene.

(3) The quantity of kerosene to which a hawker may be entitled for the purpose of hawking shall not exceed 4,086 litres.

(4) A hawker's licence shall be in the form prescribed in Part VII of the First Schedule, bear the date on which it was granted and be subject to such fee as prescribed in the Second Schedule.

(5) A hawker's licence shall expire on the thirty-first day of December of each year.

PART VI- TRANSPORT OF PETROLEUM

58. (1) No person shall transport petroleum in bulk, whether by pipelines or over land, except by licence issued by the Agency for that purpose. Licence for transport of petroleum in bulk.

(2) An application for a licence to transport petroleum in bulk under sub-regulation (1) shall be made in writing and shall be subject to such terms and conditions as set out under Part V (a) and VI (a) of the First Schedule including fees as may be prescribed by the Agency.

59. (1) The form of a licence for the transport of petroleum in bulk – Form of licence.

- (a) by means of pipelines shall be as set out under Part V of the First Schedule; or
- (b) over land as set out under Part VI of the First Schedule .

60. (1) Petroleum not in bulk shall be conveyed in air-tight tins or drums of steel, iron or other receptacles not easily broken or in bottles securely stoppered and carefully packed so as to avoid risk of breakage. Transport of petroleum not in bulk.

(2) Subject to sub-regulation (3), inflammable petroleum not in bulk shall not be conveyed unless it is contained in receptacles and packed in-

- (a) gas-tight tin or galvanised sheet-iron, steel or lead plate containers each not containing more than 295 litres capacity and fitted with well-made filling holes and well-fitted screw plugs or fitted with screw cap or other cap with metal air-tight under- cap;

- (b) containers made of special thickness of metal and shall be packed in strong wooden cases, the thickness of the wood not less than three-eighths of an inch;
- (c) substantially constructed containers and secured as not to be liable, except in circumstances of grave negligence or extraordinary accident, to be broken or become defective, leaky or insecure;
- (d) marked containers with the name of their contents;
- (e) an air space of at least 2½ percent of its capacity which shall be left in each container at the time of filling except in the case of liquefied petroleum gas.

(2) Sub-regulation (2) shall not apply to the transport of petroleum in a motor-vehicle to be used as fuel in that vehicle.

PART VII – PETROLEUM RETAIL AND BUNKERING

Traders and dealers licence.

61. (1) No person shall sell petroleum by retail as a trader or dealer unless on a licence issued by the Agency for that purpose.

(2) An application for a licence to sell petroleum by retail as a trader or dealer under sub-regulation (1) shall be made in writing and shall be subject to such terms and conditions including fees as may be prescribed by the Agency.

(3) A dealer under contract for the supply of petroleum shall carry the logo of the trader and shall be under his supervision.

(4) A dealer under contract shall be jointly liable with the trader for any contravention of these Regulations with respect to the purity and storage of petroleum at any premises where the dealer operates his business.

62. (1) No person shall sell petroleum by bunkering unless on a licence issued by the Agency for that purpose. Bunkering of petroleum to be licensed.

(2) An application for a licence to sell petroleum by bunkering under sub-regulation (1) shall be made in writing and shall be subject to such terms and conditions including fees as may be prescribed by the Agency.

(3) A licence to sell petroleum by bunkering under sub-regulation (1), shall not be issued by the Agency, unless there is proof that the applicant has secured-

- (a) a charter or lease on a yearly or half yearly basis, of a vessel registered with the Sierra Leone Maritime Administration as fit to ply the seas within and outside the territorial waters of Sierra Leone;
- (b) the technical staff with the relevant bunkering expertise; and
- (c) clientele that falls within the category of non-duty paying customers doing business outside Sierra Leone.

63. (1) No bunkering shall be undertaken on a licence issued by the Agency under Regulation 62, unless notice of the licensee's intention to sell petroleum by bunkering has been communicated to- Notification of bunkering.

- (a) the Agency;
- (b) the National Revenue Authority; and
- (c) the Naval Wing of the Armed Forces of Sierra Leone.

(2) The requirement under sub-regulation (1), shall be in such form as may be prescribed by the Agency and shall state-

- (a) the name of the customer;
- (b) the grade or name of the product intended to bunker;
- (c) the quantity and value of the product;
- (d) the name of the vessel or craft to be bunkered and other relevant information regarding it; and
- (e) the date and location of bunkering.

Restriction of bunkering.

64. For the purposes of these Regulations, bunkering shall not include—

- (a) trawlers, boats, ferries and catamarans registered and operating within Sierra Leone; and
- (b) aircrafts and helicopters registered and plying within Sierra Leone airspace and using airports, airstrips and landing grounds in Sierra Leone.

PART VIII – MISCELLANEOUS

Petroleum Fund levy.

65. There is hereby imposed by the Board, a levy of Le 11.25 on every litre of petrol, diesel or kerosene sold by every petroleum marketing company registered in Sierra Leone, which shall, subject to section 21 of the Petroleum Regulatory Agency Act, 2014, be collected by such company for payment into the Petroleum Fund.

66. (1) The Agency, by its employees duly authorised in writing in that behalf, may at all reasonable times, enter any store or other premises in respect of which a licence has been granted, in order to examine such store or other premises or to ascertain the quantity or kind of petroleum which is kept in such store and the manner in which it is stored.

Agency's powers of entry and inspection.

(2) The licensee of any store or other premises in respect of which a licence has been granted under these Regulations, shall give such employees all facilities for exercising the powers of the Agency conferred on them by this Regulation, including supplying samples of any petroleum in his possession on payment of the value of such samples to enable such petroleum to be tested.

67. The Agency may, upon satisfying a Magistrate that there are reasonable grounds for suspecting that any petroleum is being kept in contravention of these Regulations within such Magistrate's district, obtain a warrant by virtue of which it shall be lawful for any of its employees named in the warrant to enter the place specified, examine the place, search for and take petroleum samples.

Search warrants.

68. No person shall obstruct an authorised officer carrying out duties conferred on him under the Act or these Regulations

Obstruction.

69. (1) A dealer in liquefied petroleum gas shall maintain on his business premises a properly calibrated scale approved by the Standards Bureau by which he shall prove the weight of such gas to the satisfaction of every buyer.

Weighing of liquefied petroleum gas.

(2) A dealer who –

- (a) does not maintain a scale as required in sub-regulation (1); or
- (b) sells liquefied petroleum gas contrary to sub-regulation (1),

commits an offence and shall be liable on conviction to a fine not exceeding fifty million Leones or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Operating without licence.

70. Any person who operates a business of importing, refining, transporting, trading or dealing in petroleum without a licence commits an offence and shall be liable on conviction to a fine of Fifty Million Leones or to imprisonment to a term of not less than one year or to both such fine and imprisonment.

Failure to pay licence fees.

71. A person who fails to pay the required licence fees set out in the Second Schedule commits an offence and shall be liable on conviction to a fine of fifty million Leones or to imprisonment to a term of not less than one year or to both such fine and imprisonment.

Adulteration and hoarding.

72. (1) No person shall adulterate or hoard petroleum.
- (2) A person adulterates or hoards petroleum if -
- (a) he mixes it with a contaminant; but a trader may be exonerated if he proves that the petroleum was adulterated after he had supplied it to the dealer;

- (b) having a stock of petroleum, he refuses to supply or sell on any pretext which is false.

73. No person shall-

Attempting, assisting etc.

- (a) attempt; or

- (b) assist, encourage, conspire with or induce another person,

to engage in any activity prohibited under these Regulations.

74. Any person bunkering in contravention of these Regulations commits an offence and shall be liable on summary conviction to pay all duty and taxes due, within one week of the discovery and shall for a second or subsequent contravention pay three times the duties and taxes evaded.

Violation of bunkering Regulations.

75. A person who contravenes any of these Regulations commits an offence and shall be liable on conviction to a fine not exceeding fifty million Leones or to imprisonment for a term not exceeding one year or to both the fine and imprisonment.

General penalty.

76. The Petroleum Rules (Cap 236) are hereby repealed.

Repeal.

SCHEDULES

FIRST SCHEDULE

(Regulation 4(2))

PART I – PETROLEUM OPERATOR’S LICENCE.

Petroleum Operator’s Licence (Regulation)

No.

Licence is hereby granted toof.....

to operate as*.....

subject to the terms and conditions, if any, endorsed hereon.

This Licence expires on theday of.....20.....

Made this.....day of.....20.....

Executive-Chairman,
Board of Petroleum Regulatory Agency.

*Here state whether application
is to operate as importer, refiner,
trader, transporter or dealer in petroleum.

PART II – BULK INSTALATION LICENCES

(Regulation 21(2))

Petroleum Bulk Installation Licence (Regulation)

For Licence P (petrol); Licence Q (diesel); Licence R (kerosene); Licence S (fuel oil),
Licence T. (L.P.G) and Licence J. (Jet fuel)*

No.

Licence is hereby granted toof.....to keep

.....*

during the period ofyears from the day of20.....

between 2,000,000 andLitres of in bulk in.....

situate at.....

Dated thisday of.....20.....

Approved by the Minister of Trade and Industry.....

Dated thisday of.....20.....

(*Here state whether crude oil or the type of finished product)

Executive-Chairman,
Board of Petroleum Regulatory Agency

PART III – STORE LICENCES

(Licence A1) Petroleum Store Licence (Regulation 41(1) (a)(i))

No.

Licence is hereby granted to.....of.....to keep during the year.....not more than.....Litres of petrol in.....

situate at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

(Licence A2) Petroleum Store Licence (Regulation 41(1)(a)(ii))

No.

Licence is hereby granted to.....of.....to keep during the year.....between 905 and 2,000,000 litres petrol in.....

situate at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

(Licence B1) Diesel Store Licence (Regulation 41(1)(b)(i))

No.

Licence is hereby granted to.....of.....to keep during the year.....not more than 904 litres of diesel in.....

situate at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

(Licence B2) Diesel Store Licence (Regulation 41(1)(b)(ii))

No.

Licence is hereby granted to.....of.....to keep during the year.....between 905 and 2,000,000 litres of diesel in.....

situated at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

(Licence C1) Kerosene and jet A1 Fuel Store Licence (Regulation 41(1) (i))

No.

Licence is hereby granted toof.....to keep during the year.....not more than 905 litres of kerosene in.....situate at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

(Licence C2) Kerosene and Jet A1 Fuel Store Licence (Regulation 41(1)(c)(ii))

No.

Licence is hereby granted toof.....to keep during the year.....between 905 and 2,000,000 litres of kerosene in.....situate at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive -Chairman,
Board of Petroleum Regulatory Agency*

(Licence D) Heavy Fuel Oil Store Licence (Regulation 41(1) (d))

No.

Licence is hereby granted toof.....to keep during the year.....between 205 and 1,000,000 litres of Fuel Oil/HFO insituate at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

(Licence E) Liquefied Petroleum Gas Store Licence (Regulation 41(1)(e),53(7))

No.

Licence is hereby granted toof.....to keep during the year.....in.....quantity of weight between 317.52 Kg and 2,500Kg of liquefied petroleum gas in.....

situated at.....

This licence expires on the.....day of.....20.....

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency*

PART IV

GOVT. NOTICE NO.....of 20.....

The Petroleum Regulatory Agency (Regulation 52(3))

I hereby give notice that.....of.....has made application for an A, B (or C.D, or E) licence to keep petroleum in premises situate at (or proposed to be erected at).....

Any person desiring to oppose the grant of the licence must, on or before the.....day of.....20..... send to me and to.....(the above named applicant) notice in writing of his intention to oppose the grant of the licence, and together with such notice a statement in writing containing in general terms the grounds of his opposition.

All objections of which notice has been given to the granting of the licence will be considered by Agency at.....on the.....day of.....20.....

Executive-Chairman
Board of Petroleum Regulatory Agency

PART V-TRANSPORTATION OF PETROLEUM IN BULK BY PIPELINE LICENCE

(Regulation 58(a))

No.....

Licence is hereby granted to.....of.....for the transport of petroleum by means of the pipe line described in paragraphs 1 to 8, subject to the provisions of the Act , these Regulations and conditions endorsed on this licence.

Dated this.....day of.....20.....

Executive-Chairman
Board of Petroleum Regulatory Agency

PART V(a)- CONDITIONS FOR TRANSPORTATION OF PETROLEUM IN BULK BY PIPELINE (Regulation 58(2))

DESCRIPTION OF PIPE LINE

- (1). An application for a licence shall furnish the Director of Public Works with site plans, drawings and description sufficiently detailed to indicate clearly materials to be used, methods of construction and methods of operation. The applicant shall produce satisfactory evidence of way leaves, if any.
- (2). The applicant shall furnish the Director of Public Works with a copy of the proposed rules for operation, and satisfy the Director of Public Works that the proposed pipe line can at all times be operated with safety and in accordance with the Petroleum Act and the Regulations made thereunder.
- (3). The pipe line shall at all times be in the charge of a competent authorised person, and shall be patrolled as may be required by the Director of Public Works for efficient use and maintenance.
- (4). The premises occupied by pipe lines, when under the control of the licensee, shall be kept in a clean condition free from grass, weeds and all inflammable material.
- (5). Due precautions shall at all times be taken against fire, including the maintenance of fire extinguishing appliances of approved design.
- (6). Notices prohibiting smoking, lighting of matches, and the carrying of unprotected lights shall be provided and fixed in prominent positions in and about the premises.

- (7). The premises and pipe lines, when under the control of the licensee, shall be efficiently protected against unauthorised approach or interference.
- (8). The premises and pipe lines may be inspected at any time by the Director of Public Works or by a District Officer or Police Officer not below the rank of Assistant Commissioner, designated by the Executive-Chairman.
- (9). The licensee shall immediately carry out all reasonable instructions of such inspecting officers.
- (10). The licence shall be liable to be forfeited for any contravention of the Act, these regulations or of any of the conditions endorsed on this licence.

PART VI-TRANSPORTATION OF PETROLEUM IN BULK OVER LAND LICENCE

(Regulation 59(b))

TRANSPORTATION OF PETROLEUM IN BULK OVER LAND LICENCE

No.....

Licence is hereby granted toof.....for the transport of petroleum in bulk as described in paragraphs 1 to 10, subject to the provisions of the Act, these Regulations and conditions endorsed on this licence.

.....
Executive-Chairman
Board of Petroleum Regulatory Agency

PART VI (a)-CONDITIONS FOR TRANSPORTATION OF PETROLEUM IN BULK OVER LAND LICENCE

DESCRIPTION OF MEANS OF TRANSPORT

(Description of Means of Transport by land)
Conditions of Licence

- (1). Transport of petroleum in bulk by road shall be only by means of special tank vehicles of design approved by the Director of Public Works.
- (2). The vehicles shall be maintained in good condition and free from leakage. They shall be conspicuously labeled with the words Highly Inflammable and be painted bright red. An air-space of not less than 10 per cent of their capacity shall be left when filling. All inlets and outlets shall be properly secured and gas-tight.
- (3). Tank vehicles shall be in the charge at all times of a competent person or persons authorised by the licensee. No unauthorised person shall be permitted to ride on the vehicle. Smoking and the use of naked lights shall not be permitted in the vicinity of the vehicle. The vehicle shall not be halted within sixty feet of a fire or open flame.
- (4). Tank vehicles shall be loaded and unloaded in accordance with rules approved by the Director of Public Works for each design of vehicle.
- (5). No tank vehicle shall be loaded or unloaded between sunset and sunrise.
- (6). The premises occupied by tank vehicles when under the control of the licensee, shall be kept in a clean condition free from grass, weeds and all inflammable material.

- (7). Due precautions shall at all times be taken against fire, including the maintenance of fire extinguishing appliances of approved design. Notices prohibiting smoking, lighting of matches, and the carrying of unprotected lights shall be provided and fixed in prominent positions in and about the premises.
- (8). The premises and tank vehicles when under the control of the licensee, shall be efficiently protected against unauthorised approach or interference.
- (9). The premises and tank vehicles may be inspected at any time by the Director of Public Works, or any officer of his department authorised by him or by a District Officer or Police Officer not below the rank of Assistant Commissioner, designated by the Executive-Chairman.
The licensee shall immediately carry out all reasonable instructions of such inspecting officers.
- (10). The licence shall be liable to be forfeited for any contravention of the Act, these regulations or any of the conditions endorsed on this licence.

PART VII-HAWKER'S LICENCE (Regulation 57(4))

No.....

Licence is hereby granted to.....of.....to hawk kerosene subject, to the conditions endorsed hereon.

This licence expires on the.....day of.....20.....

Within seven days of which date it is to be returned to the Agency.

Dated this.....day of.....20.....

*Executive-Chairman,
Board of Petroleum Regulatory Agency.*

SECOND SCHEDULE

FEES FOR LICENCES 3(2)(f), 21(2), 71

The following fees in the second column shall be charged per annum for the granting and renewal of the licences described in the first column-

<u>Name of Licence</u>	<u>Fees</u>
PART I – PETROLEUM OPERATOR’S LICENCE	
(1). Import’s/Export’s licence	Le 20,000,000
(2). Refiner’s licence.....	Le 50,000,000
(3). Trader’s/OMC’S licence.....	Le 15,000,000
(4). Dealer’s licence.....	See Part VII & VIII of 2 nd Schedule
(5). Bunkering Companies (Service/Agent) licence	Le 6,500,000
(6). On-Shore Bunkering/ Companies.....	Le 20,000,000
(7). Off-Shore Bunkering/ Companies	Le 120,000,000
(8). Bulk Distribution Installation	Le 20,000,000
(9). Bulk Storage Depot	Le 75,000,000
(10). Independent Petroleum Inspection Company	Le 20,000,000
(11). Private Oil Jetty Operators	Le 25,000,000

PART II – BULK INSTALLATION LICENCE

(1). Licence O (Crude Petroleum 10,000bbls and above)	Le 15,000,000
(2). Licence P (Petrol) (above 2,000,000 litres).....	Le 7,500,000
(3). Licence Q (Diesel) (above 2,000,000 litres)	Le 7,500,000
(4). Licence R1 (Kerosene) (2,000,000 litres and above).....	Le 5,000,000
(5). Licence R2 (Jet A1) (2,000,000 litres and above).....	Le 10,000,000
(6). Licence S (Fuel Oil) (1,000,000 litres and above)	Le 7,500,000
(7). Licence T (LPG above 2,500 Kg).....	Le 5,000,000
(8). Petrochemicals	Le 7,500,000

PART III - STORE LICENCES

(1). Licence AI (Petrol, 205 – 904 litres).....	Le 150,000
(2). Licence A2 (Petrol, 905 – 2,000,000 litres).....	Le 600,000
(3). Licence B1 (Diesel, 205 – 904 litres).....	Le 150,000
(4). Licence B2 (Diesel, 905 – 2,000,000 litres).....	Le 600,000
(5). Licence C1 (Kerosene, 205 – 904 litres).....	Le 100,000
(6). Licence C2 Kerosene, 905 – 2,000,000 litres).....	Le 500,000
(7). Licence D (Fuel oil not exceeding 1,000,000 litres.....)	Le 600,000
(8). Licence E (LPG 317.52 Kg – 2,500 Kg).....	Le 600,000

PART IV – GOVERNMENT NOTICE

- (1). Government Notice

PART V & VI – TRANSPORT LICENCES

- (1). Pipeline Licence..... Le 1,000,000 per km
- (2). Road Tankers Licence..... Le 2,000,000
- (3). Rail Tankers Licence..... Le 4,000,000
- (4). Barge Licence..... Le 4,000,000
- (5). Hawker's Licence..... Le 100,000

PART VII – SERVICE STATIONS LICENCES

- (1). Western Urban Le 3,000,000
- (2). Western Rural Le 2,000,000
- (3). Provincial Cities Le 1,500,000
- (4). Provincial Towns Le 1,000,000

PART VIII – FILLING STATIONS LICENCES

- (1). Western Urban Le 2,000,000
- (2). Western Rural Le 1,500,000
- (3). Provincial Cities Le 1,000,000
- (4). Provincial Towns Le 750,000

MADE this *day of* , 2016.

D. M. MASON,
Executive Chairman.
Board of Petroleum Regulatory Agency.

FREETOWN,
SIERRA LEONE