

The Malawi Gazette Supplement, dated 26th June, 2020, containing Regulations, Rules, etc. (No. 15A)

GOVERNMENT NOTICE NO. 25

LIQUID FUELS AND GAS (PRODUCTION AND SUPPLY) ACT
(CAP.50:03)

LIQUID FUELS AND GAS (PRODUCTION AND SUPPLY) (AMENDMENT)
REGULATIONS, 2020

IN EXERCISE of the powers conferred by section 46 of the Liquid Fuels and Gas (Production and Supply) Act, I, ATUPELE A. MULUZI, Minister of Energy, in consultation with the Authority, make the following Regulations—

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title and commencement
2. Amendment of the First Schedule to Cap. 50:03 sub. leg. p.19
3. Amendment of the Second Schedule of the principal Regulations
4. Replacement of the Third Schedule of the principal Regulations

1. These Regulations may be cited as the Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, 2020. Citation

2. The Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, (hereinafter referred to as the "principal Regulations") are amended, in the First Schedule thereto, by inserting immediately after Part VII, a new Part VIII, as follows— Amendment of the First Schedule to Cap.50:03 sub. leg. p.19

"PART—VIII

LIQUID FUELS AND GAS (PRODUCTION AND SUPPLY) ACT
(CAP. 50:03)

APPLICATION FOR LICENCE TO CONSTRUCT A SERVICE STATION reg. 39

SECTION—A

PARTICULARS OF APPLICANT

- A.1 Full Name of Applicant
- A.2 Address of applicant, or in the case of a body corporate, partnership, trust, the registered office
-
- A.3 Telephone Number of Applicant
- A.4 Fax Number of Applicant
- A.5 E-mail of Applicant

A.6 Contact Person

Name

Telephone No.

Fax No.

E-mail

A.7 National Identity

A.8 Legal personality of Applicant

A.9 If the Applicant is a registered company or organisation, enclose the following:

- (a) Full names of shareholders and their holding percentages;
- (b) Full names and occupations of Directors;
- (c) Certificate of Incorporation;
- (d) Memorandum and Articles of Association/ Trust Deed or Constitution; and
- (e) Past experience in Liquid Fuels or Gas.

SECTION—B

AREA TO WHICH THE APPLICATION RELATES

B.1 Proof of applicant's ownership or acquisition of land such as certificate of transfer or lease.

Certificate of Transfer of Land:

Date of issue

Name of Proprietor

Location

Certificate of Lease:

Date of issue

Name of Lessor

Name of Lessee

Duration of Lease

Location

B.2 Provide site specific approved plan and sufficient information on plot size, maps or sketch plans of the area to which the application relates.

B.3 Provide two (2) copies of drawings indicating all safety distances and position of important provisions such as tank farm, drainage system, offloading points, oil interceptor, vent pipes, and egress/ingress. Please refer to our service station construction standards for guidance.

- B.4 Provide detailed engineering and structural drawings for the service station's oil interceptor, tank specification and canopy.
- B.5 Technical design shall be generated by a registered engineer or registered architect
- B.6 Proof of financial capacity to complete the construction within the tenure of the licence

SECTION—C

GOVERNMENT APPROVALS

Provide the following approvals from the Government authorities:

- (a) Approval from Director of Environmental Affairs with the actual document after submitting an Environmental Management Plan (EMP)/Environmental and Social Impact Assessment (EIA);
- (b) Approved Architectural and Engineering building plans;
- (c) Grants permission from Planning Authorities;
- (d) Approval from Road Development Agency or its designated agent;
- (e) Certificate of ownership of land;
- (f) Proof of Business registration/business names registration certificate (if operating under a name other than your name) (accompanied with Identification of the Directors) or Memorandum and Article of Association if operating as a company registered under the Companies Act; and
- (g) Two (2) copies of construction schedule or Gantt chat.

SECTION—D

PERSONNEL

- D.1 Provide valid practicing certificate for the Registered Engineering Professional who will supervise the project/ Engineers Certificate number 1.
- D.2 Provide Documentary evidence of the Registered Engineering professional's commitment to the project on the said location, such commitment could be in the form of acceptance letter from the Registered Engineer or a contract signed by both parties.

SECTION—E

VALIDITY OF THE LICENCE

- E.1 The Licence shall be specific to the site and the applicant.
- E.2 The Licence shall be valid for a period of one year and may be renewed at the Board's discretion "
3. The Second Schedule to the principal Regulations is amended, by inserting immediately after Part VII, a new Part VIII, as follows—

Amendment
of the Second
Schedule to
the principal
Regulations

“PART—VIII
LIQUID FUELS AND GAS (PRODUCTION AND SUPPLY) ACT
(CAP. 50:03)
CONSTRUCTION LICENCE

No.:

This Licence is hereby granted to of for the construction of service station at....., subject to the conditions prescribed by the Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, 2017, made under the Liquid Fuels and Gas (Production and Supply) Act, Cap. 50:03.

This Licence shall expire one year after the date of issue hereof, and may be renewed on application being made for this purpose.

Issued this day of

THE COMMON SEAL OF THE MALAWI ENERGY REGULATORY
AUTHORITY WAS HEREUNTO AFFIXED

.....
for Malawi Energy Regulatory Authority

This Licence is issued subject to the Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, 2017 of which the Licensee admits cognisance.

Licence Conditions

Subject to the conditions prescribed by the Liquid Fuels and Gas (Production and Supply) (Amendment) Regulations, 2017.

Suspension or revocation of Licence

Subject to Section 11 of the Liquid Fuels and Gas (Production and Supply) Act of 2004, the Authority may suspend or revoke any licence at any time if it is satisfied that the licensee or any person in his employ has contravened any of the provisions of a licence granted to the licensee, or these Regulations or any other law applicable to liquid fuels and gas in Malawi.”.

Replacement
of the Third
Schedule of
the principal
Regulations⁹
Cap. 69:01 sub.
ieg. p. 96a

4. The Third Schedule to the principal Regulations is revoked and replaced with the following new Third Schedule, as follows—

"THIRD SCHEDULE"

regs. 7, 12, 17, 22, 26,
30, 34, 38 and 99

LICENCE AND REGISTRATION FEES

1. On application for a licence or renewal thereof—

	<i>K</i>	<i>t</i>
(a) Production Licence—		
(i) crude oil production	30	tambala/litre
(ii) crude oil refining	20	tambala/litre
(iii) production of bio-fuels	15	tambala/litre
(b) Importation Licence—		
(i) lubricants	1,000,000	00
(ii) other liquid fuels and gas.	2,000,000	00
(c) Transport Licence.	250,000	00 per tanker/truck
(d) Storage Licence—		
(i) lubricants	500,000	00
(ii) other liquid fuels and gas.	1,500,000	00
(e) Wholesale Licence—		
(i) lubricants	500,000	00
(ii) other liquid fuels and gas.	1,500,000	00
(f) Retail Licence—		
(i) lubricants	250,000	00
(ii) other liquid fuels and gas.	500,000	00
(g) Construction Licence	300,000	00
(h) Own use storage certificate.	250,000	00
(i) Bulk purchase permit	30,000	00
2. On issue of any Licence/permit/certificate considered under paragraph (1).	30,000	00
3. Registration fees for liquid fuels for commercial Purposes and annual renewal	30,000	00".

Made this 19th day of June, 2020.

(FILE NO. DOE/2/1/56)

A. A. MULUZI
Minister of Energy