



THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 16 OCT 2025 DAY: Thur

Hon. Robert Gichimu, MP
Vice-Chairperson

REPUBLIC OF KENYA

V. Wambui

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT | FOURTH SESSION (2025)

REPORT OF THE COMMITTEE ON DELEGATED LEGISLATION ON ITS
CONSIDERATION OF:

1. THE PETROLEUM (PETROLEUM BUSINESS LICENSING AND PETROLEUM LOGISTICS FACILITY CONSTRUCTION PERMIT) REGULATIONS, 2025 (L.N. NO 95 OF 2025);
2. THE PETROLEUM (LICENSING OF PETROLEUM ROAD TRANSPORTATION BUSINESS) REGULATIONS, 2025 (L.N. NO 96 OF 2025);
3. THE PETROLEUM (OPERATING OF COMMON PETROLEUM FACILITIES) REGULATIONS, 2025 (L.N. NO 97 OF 2025);
4. THE PETROLEUM (INFORMATION AND STATISTICS) REGULATIONS, 2025 (L.N. 98 OF 2025);
5. THE PETROLEUM (LUBRICANTS FACILITY CONSTRUCTION AND LICENSING) REGULATIONS, 2025 (L.N. 99 OF 2025);
6. THE PETROLEUM (RETAIL DISPENSING SITE CONSTRUCTION AND LICENSING) REGULATIONS, 2025 (L.N. 100 OF 2025);
7. THE PETROLEUM (LIQUEFIED PETROLEUM GAS) REGULATIONS, 2025 (L.N. 101 OF 2025);
8. THE ENERGY (PETROLEUM INFORMATION AND STATISTICS) (REVOCATION) REGULATIONS, 2025 (L.N. 102 OF 2025);
9. THE ENERGY (RETAIL FACILITY CONSTRUCTION AND LICENSING) (REVOCATION) REGULATIONS, 2025 (L.N. 103 OF 2025); AND
10. THE PETROLEUM (PRODUCTS QUALITY MANAGEMENT) REGULATIONS, 2025 (L.N. 104 OF 2025).

OCTOBER, 2025

The Directorate of Audit, Appropriations & General-Purpose Committees
The National Assembly
Parliament Buildings
NAIROBI

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ABBREVIATIONS AND ACCRONYMS

Cap	Chapter
CCTV	Closed-Circuit Television
EPRA	Energy and Petroleum Regulatory Authority
LN	Legal Notice
LPG	Liquefied Petroleum Gas

CHAIRPERSON'S FOREWORD

The Downstream Petroleum Regulations published under the Petroleum Act (*Cap. 308*) were forwarded by the Cabinet Secretary, Ministry of Energy and Petroleum to the Clerk of the National Assembly vide a letter Ref MOEP/P/P/CONF/1/3 dated 12th June 2025. The Regulations were received in the National Assembly on 11th July, 2025 during the short recess and were subsequently tabled before the House on 22nd July 2025. The Regulations were subsequently referred to the Committee on Delegated Legislation for consideration

Section 101 of the Petroleum Act (*Cap 308*), Sections 198 and 208 of the Energy Act (*Cap. 314*) give the Cabinet Secretary power to make regulations on recommendation by the Authority. The Cabinet Secretary made and forwarded the following Regulations to the National Assembly pursuant to Section 11(1) of the Statutory Instruments Act (*Cap. 2A*) –

- (1) The Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations (*Legal Notice No. 95 of 2025*);
- (2) The Petroleum (Licensing of Petroleum Road Transportation Business) Regulations (*Legal Notice No. 96 of 2025*);
- (3) The Petroleum (Operating of Common Petroleum Facilities) Regulations (*Legal Notice No. 97 of 2025*);
- (4) The Petroleum (Information and Statistics) Regulations (*Legal Notice No. 98 of 2025*);
- (5) The Petroleum (Lubricants Facility Construction and Licensing) Regulations (*Legal Notice No. 99 of 2025*);
- (6) The Petroleum (Retail Dispensing Site Construction and Licensing) Regulations (*Legal Notice No. 100 of 2025*);
- (7) The Petroleum (Liquefied Petroleum Gas) Regulations (*Legal Notice No. 101 of 2025*);
- (8) The Energy (Petroleum Information and Statistics) (Revocation) Regulations (*Legal Notice No. 102 of 2025*);
- (9) The Energy (Retail Facility Construction and Licensing) (Revocation) Regulations (*Legal Notice No. 103 of 2025*); and
- (10) The Petroleum (Products Quality Management) Regulations (*Legal Notice No. 104 of 2025*).

The purpose of the Regulations is to:

- (a) Ensure all important aspects of downstream petroleum operations are brought under the application of the Petroleum Act (Cap 308), are well regulated and monitored;
- (b) Ensure that the establishment of petroleum facilities and other petroleum operations conform to industry standards and local and international best practices;
- (c) Improve on safety of workers, users and the general public;
- (d) Promote fair competition amongst petroleum businesses by instituting clear licensing procedures;
- (e) Ensure compliance with the environmental, health and safety standards;
- (f) Ensure security of supply; and
- (g) Improve governance of the petroleum sector through streamlined oversight and better management.

The Committee had invited the Cabinet Secretary for the Ministry of Energy and Petroleum to appear before it on Tuesday, 14th October 2025, to deliberate on the ten Regulations published under the Petroleum Act (*Cap. 308*). However, the Cabinet Secretary, who is the Regulation-making authority, was not available to brief the Committee.

The Committee observed that Section 16 of the Statutory Instruments Act (*Cap. 2A*) requires it to confer with the regulation-making authority only where it is practically possible to do so. Consequently, the Committee retains the discretion to consider the Regulations in the absence of the Regulation-making authority where such engagement is not practicable, as provided under the same section.

During the scrutiny of the said Regulations, the Committee's attention was drawn to a submission on the Petroleum (Liquefied Petroleum Gas) Regulations, 2025 (LN No. 101 of 2025) dated 30th September 2025 by the Independent Gas Dealers Association of Kenya, which cited various concerns regarding the Regulations.

Having considered the Regulations, the Committee observed that Legal Notices Nos. 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104 of 2025 are statutory instruments and have the force of law within the meaning of section 2 of the Statutory Instruments Act (*Cap 2A*) to the extent that it is a Regulation made pursuant to the powers conferred under section 101 of the Petroleum Act (*Cap 308*).

Further, the Committee observed that the Regulations were published in the Gazette on 30th May 2025. They were received on 11th July 2025 during the short Recess, and tabled on the 22nd July 2025 being the thirteen (13) sitting day. This is contrary to section 11 (1) of the Statutory Instruments Act (*Cap. 2A*) that requires a Cabinet Secretary to transmit a copy of a statutory instrument within seven (7) sitting days after publication.

In addition, the Committee noted that although the letter forwarding the Regulations Ref. No. MOEP/P/CONF/1/3 dated 12th June 2025 indicated to have enclosed the stakeholders' comments on the Regulations and their respective responses, there was no evidence of public participation attached.

Having examined the Regulations in line with the Constitution, the Interpretation and General Provisions Act (*Cap 2*), the Statutory Instruments Act, 2013, the Petroleum Act (*Cap. 304*), Energy Act (*Cap 314*) recommends that the House adopts the Report of the Committee on Delegated Legislation on its consideration of Ten Regulations relating to the Petroleum Sector, and pursuant to the provisions of section 18 of the Statutory Instruments Act, *Cap 2A* annuls in its entirety the following Regulations –

- 1) The Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations (*Legal Notice No. 95 of 2025*);
- 2) The Petroleum (Licensing of Petroleum Road Transportation Business) Regulations (*Legal Notice No. 96 of 2025*);
- 3) The Petroleum (Operating of Common Petroleum Facilities) Regulations (*Legal Notice No. 97 of 2025*);
- 4) The Petroleum (Information and Statistics) Regulations (*Legal Notice No. 98 of 2025*);

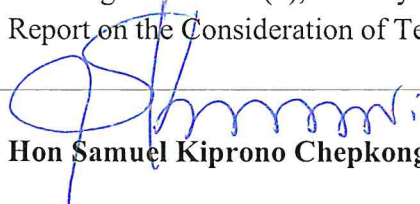
- 5) The Petroleum (Lubricants Facility Construction and Licensing) Regulations (*Legal Notice No. 99 of 2025*);
- 6) The Petroleum (Retail Dispensing Site Construction and Licensing) Regulations (*Legal Notice No. 100 of 2025*);
- 7) The Petroleum (Liquefied Petroleum Gas) Regulations (*Legal Notice No. 101 of 2025*);
- 8) The Energy (Petroleum Information and Statistics) (Revocation) Regulations (*Legal Notice No. 102 of 2025*);
- 9) The Energy (Retail Facility Construction and Licensing) (Revocation) Regulations (*Legal Notice No. 103 of 2025*); and
- 10) The Petroleum (Products Quality Management) Regulations (*Legal Notice No. 104 of 2025*).

For the following reasons:

- (a) The Legal Notices were published on 30th May, 2025 and transmitted to the Clerk of the National Assembly on 11th July, 2025, being outside the seven (7) sitting days' timeline contemplated under section 11(1) of the Statutory Instruments Act (*Cap. 2A*); and
- (b) Failure to demonstrate public participation in compliance with Article 10, Article 118 of the Constitution and Section 5 of the Statutory Instruments Act (*Cap. 2A*).

In conclusion, I wish to most sincerely thank the Speaker and the Office of the Clerk of the National Assembly for the invaluable support accorded to the Committee in the discharge of its mandate.

On behalf of the Members of the Select Committee on Delegated Legislation and pursuant to Standing Order 210 (4), it is my pleasure and duty to present to the House the Committee's Report on the Consideration of Ten (10) Regulations relating to the Petroleum Sector.



Hon Samuel Kiprono Chepkonga, CBS, M.P.

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Select Committee on Delegated Legislation is established under *Standing Order No. 210* of the National Assembly Standing Orders and is mandated to consider statutory instruments submitted to Parliament for consideration. The Committee is expected to consider in respect of any statutory instrument, whether it is in accord with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws.
2. The Committee is mandated to consider in respect of any statutory instrument, whether it:
 - (a) is in accordance with the provisions of the Constitution, the Act pursuant to which it is made or other relevant written laws;
 - (b) infringes on fundamental rights and freedoms of the public;
 - (c) contains a matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
 - (d) contains imposition of taxation;
 - (e) directly or indirectly bars the jurisdiction of the Courts;
 - (f) gives retrospective effect to any of the provisions in respect to which the Constitution or the Act does not expressly give any such power;
 - (g) involves expenditure from the Consolidated Fund or other public revenues;
 - (h) is defective in its drafting or for any reason the form or purport of the statutory instrument calls for any elucidation;
 - (i) appears to make some unusual or unexpected use of the powers conferred by the Constitution or the Act pursuant to which it is made;
 - (j) appears to have had unjustifiable delay in its publication or laying before Parliament;
 - (k) makes rights, liberties or obligations unduly dependent upon non-reviewable decisions;
 - (l) makes rights, liberties or obligations unduly dependent insufficiently defined administrative powers;
 - (m) inappropriately delegates legislative powers;
 - (n) imposes a fine, imprisonment or other penalty without express authority having been provided for in the enabling legislation;
 - (o) appears for any reason to infringe on the rule of law;
 - (p) inadequately subjects the exercise of legislative power to Parliamentary scrutiny; and
 - (q) accords to any other reason that the Committee considers fit to examine.

1.2 Committee Membership

3. The Committee membership comprises –

Chairperson

Hon. Chepkong’ a Kiprono Samuel, CBS, M.P.

Ainabkoi Constituency

UDA

Vice-Chairperson

Hon. Githinji Robert Gichimu, M.P.

Gichugu Constituency

UDA

Committee Members

Hon. Mbuyi Robert, CBS, M.P

Kathiani Constituency

WDM-Kenya

**Hon. (Maj) (Rtd) Dekow Barrow Mohamed,
M.P**

Garrisa Township Constituency

UDA

**Hon. Julius Lekakeny Ole Sunkuli, EGH,
EBS, M.P.**

Kilgoris Constituency

KANU

Hon. Kamene Joyce, M.P

Machakos County

WDM-Kenya

Hon. Onchoke, Mamwacha Charles, M.P.

Bonchari Constituency

UPA

Hon Kimaiyo, Gideon Kipkoech, M.P.

Keiyo South Constituency

UDA

Hon. Waithaka, John Machua, M.P.

Kiambu Constituency

UDA

Hon. Chebor, Paul Kibet, M.P

Rongai Constituency

UDA

Hon. Yakub Adow Kuno, M.P

Bura Constituency

UPIA

**Hon. (Maj) (Rtd) Abdullahi, Bashir Sheikh,
M.P.**

Mandera North Constituency

UDM

Hon. Mwirigi John Paul, M.P.

Igembe South Constituency

UDA

Hon. Odoyo, Jared Okello, M.P.

Nyando Constituency

ODM

Hon. Chepkorir Linet, M.P.

Hon. Munyoro Joseph Kamau, M.P

Bomet County

UDA

Hon. Oluoch, Anthony Tom, M.P.

Mathare Constituency

ODM

Hon. Mwale, Nicholas S. Tindi M.P.

Butere Constituency

ODM

Hon. Mugabe Innocent Maino, M.P.

Lukuyani Constituency

ODM

Kigumo Constituency

UDA

Hon. Lenguris Pauline, M.P.

Samburu County

UDA

Hon Mnyazi Amina Laura, MP.

Malindi Constituency

ODM

1.3 Committee Secretariat

4. The Secretariat facilitating the Committee comprises –

Ms. Esther Nginyo
Senior Clerk Assistant (Team Leader)

Mr. Dima Dima W.
Deputy Director-DLS

Mr. Brian Langwech
Clerk Assistant III

Mr. Silvanus Makau
Clerk Assistant III

Ms. Angela Musau
Legal Counsel II

Mr. Peter Barasa
Legal Counsel II

Elzy Cherop
Legal Counsel II

Nancy Chepkemai
Legal Counsel II

Mr. Daniel Ominde
Research Officer III

Mr. Noah Chemweno
Serjeant at Arms

Mr. Valerian Pascal
Hansard Reporter III

Ms. Rahab Chepkilim
AudioOfficer

2.0 CONSIDERATION OF THE DOWNSTREAM PETROLEUM REGULATIONS

2.1 Introduction

5. On 30th May, the Cabinet Secretary for Energy and Petroleum in exercise of the powers conferred by section 101 of the Petroleum Act (*Cap 308*) and recommendation of the Energy and Petroleum Regulatory Authority (EPRA) published in the Kenya Gazette Special Issue the following Downstream Petroleum Regulations –
 - (a) The Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 (*L.N. No 96 of 2025*);
 - (b) The Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025 (*L.N. No 96 of 2025*);
 - (c) The Petroleum (Operating of Common Petroleum Facilities) Regulations, 2025 (*L.N. No 97 of 2025*);
 - (d) The Petroleum (Information and Statistics) Regulations, 2025 (*L.N. 98 of 2025*);
 - (e) The Petroleum (Lubricants Facility Construction and Licensing) Regulations, 2025 (*L.N. 99 of 2025*);
 - (f) The Petroleum (Retail Dispensing Site Construction and Licensing) Regulations, 2025 (*L.N. 100 of 2025*);
 - (g) The Petroleum (Liquefied Petroleum Gas) Regulations, 2025 (*L.N. 101 of 2025*);
 - (h) The Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025 (*L.N. 102 of 2025*);
 - (i) The Energy (Retail Facility Construction and Licensing) (Revocation) Regulations, 2025 (*L.N. 103 of 2025*); and
 - (j) The Petroleum (Products Quality Management) Regulations, 2025 (*L.N. 104 of 2025*).
6. All the Legal Notices are dated 19th May 2025 and are comprised of eight substantive Regulations and two revocation Regulations.
7. Legal Notices Nos. 95, 96, 97, 98, 99, 100, 101, and 104 are made pursuant to section 101 of the Petroleum Act (*Cap 308*), which the enabling provision provides as follows—

101. Regulations for downstream petroleum

The Cabinet Secretary may, on the recommendation of the Authority, make regulations—

(a) defining the kind of petroleum to which the regulations shall apply, and dividing petroleum into classes or categories and making different provisions with regard to such classes or categories;

(b) providing for the importation, refining, exportation, landing, loading, shipping, transportation, storage, wholesale and retail of petroleum and prescribing a system of licensing for the purposes aforesaid, the manner in which application for any such licence shall be made, the conditions of licence, the authorities which may grant such licences, the fees which may be charged and any other matters incidental thereto;

(c) setting, reviewing and adjusting tariffs and charges for common user storage facilities and refining of petroleum;

(d) providing for importation of petroleum through open tendering system and the manner in which such system shall operate;

(e) providing for maintenance of minimum operational stocks and procedures thereof;

(f) providing for maintenance of strategic stocks and procedures thereof;

(g) providing for the mode of sale, metering, documentation and display of prices of petroleum in retail dispensing sites and depots;

(h) providing for environmental, health and safety standards associated with the handling, storage and use of petroleum;

(i) providing for notice to be given by the owner or master of any ship entering a port with petroleum, and for ascertaining the quantity and specification of any petroleum on board any such ship;

(j) determining the places at which, and the conditions on and subject to which, petroleum may be imported, offloaded, landed, stored, loaded or transhipped;

(k) providing for the delivery to such officer as may be specified, samples of petroleum landed or intended to be landed and for the testing of such sample;

(l) providing for the type and location of the premises in respect of which licences to possess petroleum may be granted, the inspection of premises so licensed and the taking of samples and the testing of petroleum found thereon;

(m) governing the design, construction and operation of pipelines, refineries, bulk liquefied petroleum gas facilities, retail dispensing sites, storage depots and providing for the protection of property and the environment and the safety of the public in the construction and operation thereof;

(n) governing the design and construction of vehicles to be used in the transportation of petroleum by road, rail, inland or coastal waters;

(o) prohibiting or restricting the carriage of goods and passengers in vessels carrying petroleum;

(p) prescribing the quantity of petroleum that may be conveyed at any one time or in any one vehicle;

(q) prescribing the precautions to be observed in the transportation of petroleum, in the manner of packing and the mode and time of transit and in the loading and unloading of vessels used for such transportation;

(r) in consultation with the body responsible for standards, prescribing apparatus for testing petroleum, the tests to be applied and the manner in which tests are to be carried out;

(s)in consultation with the body responsible for standards, appointing inspectors and agents for the testing and examination of petroleum and prescribing their powers and duties;

(t)prescribing the marking of fuels and categories of the petroleum in which such marking shall be carried out;

(u)prescribing for the provision of petroleum data and information to the Authority;

(v)providing for the development and coordination of a National oil spill response plan including measures to prevent oil spills and a mechanism for compensation in the event of an oil spill;

(w)reviewing and approval of contracts on third party access to midstream petroleum infrastructure on reasonable terms and conditions;

(x)reviewing and approval of contracts on the use and access of petroleum logistic facilities;

(y)determining the maximum wholesale and retail prices of petroleum and petroleum products;

(z)prescribing guidelines and standards to be applied by all licensing authorities to ensure uniform standards of operation in the sector;

(aa)governing the qualification and certification of petroleum road tanker drivers;

(bb)on the handling of petroleum products in aviation;

(cc)on the joint procurement of petroleum products;

(dd)prescribing requirements for undertaking businesses dealing with lubricants; and

(ee)generally for the better carrying out of the objects and purposes of this.

8. Legal Notice No. 102 of 2025 is made pursuant to section 208 of the Energy Act, (Cap. 314), whose enabling provisions provide as follows –

208. Cabinet Secretary may make regulations generally

(1) The Cabinet Secretary may, on the recommendation of the Authority and subject to section 167, make regulations for or with respect to any matter that by this Act is required or permitted to be prescribed, or that is necessary or expedient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations to be made under this Act may be formulated by the Authority on its own motion or may be proposed to the Authority by any licensee or person.

(3) Before making recommendation of any regulations to the Cabinet Secretary under this Act, the Authority shall publish the proposed regulations for purposes of inviting proposals from the public, in such manner as it may deem fit, at least thirty days before the regulations are submitted to the Cabinet Secretary.

(4) *The regulations made by the Cabinet Secretary in accordance with this section may, impose conditions, requiring acts or things to be performed or done to the satisfaction of the Authority, prohibiting acts or things from being performed or done and may prescribe periods or dates upon, within or before which such acts or things shall be performed or done or within which such conditions shall be fulfilled.*

(5) *The regulations made under this Act may be made for a limited period or without limit of period, and may be made subject to such conditions as the Cabinet Secretary deems fit, and may contain such supplemental and consequential provisions as the Cabinet Secretary considers necessary for giving full effect to the regulations.*

9. Legal Notice No. 103 of 2025 is made pursuant to section 198 of the Energy Act (Cap. 314), whose enabling provisions provide as follows –

198. Power of Cabinet Secretary to make regulations

(1) *The Cabinet Secretary upon recommendation by the Authority may, make regulations for carrying out the provisions of this Act by notification, in the Gazette.*

(2) *In particular, and without prejudice to the generality of the foregoing, such regulations may provide for all or any of the following matters—*

(a) *the qualifications, criteria and conditions subject to which a person may be accredited as energy auditors and energy managers and the procedure for such accreditation;*

(b) *the energy consumption norms and standards for designated consumers;*

(c) *different norms and standards for different designated consumers;*

(d) *the form and manner and the time within which information with regard to energy consumed and the action taken on the recommendations of the accredited energy auditor be furnished;*

(e) *the manner and the intervals or time in which the energy audit shall be conducted;*

(f) *particulars required to be displayed on labels and the manner of their display;*

(g) *the manner and the intervals of time for conducting energy audit by an accredited energy auditor;*

(h) *the form and manner in which the status of energy consumption be submitted;*

(i) *form and manner for preparation of the scheme and its implementation;*

(j) *energy efficiency and conservation building codes;*

(k) *prescribing the procedure for issuing the energy savings certificate;*

(l) *value of per metric ton of oil equivalent of energy consumed;*

(m) *matters relating to inspection; (n) manner of holding inquiry;*

- (o) form of and fee for filing such appeal;*
- (p) publication of energy statistics or information;*
- (q) the type, manner and form of energy data and information that must be published;*
- (r) minimum levels of energy efficiency in each sector of the economy;*
- (s) steps and procedures necessary for the application of energy efficient technologies and procedures;*
- (t) labelling for energy efficiency purposes of household appliances, devices and motor vehicles;*
- (u) prohibition of the manufacture, or importation or sale of electrical and electronic products and fuel burning appliances for reasons of poor energy efficiency;*
- (v) standards and specifications for energy carriers;*
- (w) energy efficiency standards for specific technologies, processes, appliances, devices, motor vehicles and buildings;*
- (x) energy conservation measures to be used during energy shortage, which may include but not limited to the amount of energy to be saved, the duration for such measures and penalties associated with non-compliance to such measures;*
- (y) penalties and sanctions to be imposed by the Authority; and*
- (z) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, or may be made by rules.*

2.2 Objectives of the Regulations

10. The primary objective of making the regulations is to operationalize section 101 of the Petroleum Act (*Cap 308*), which provides for the development of relevant regulations for downstream petroleum.
11. Generally, the Regulations were made to –
 - (a) Ensure all important aspects of downstream petroleum operations under the application of the Petroleum Act, are well regulated and monitored;
 - (b) Ensure that the establishment of petroleum facilities and other petroleum operations conform to industry standards and international best practices;
 - (c) Improve on safety of workers, users and the general public;
 - (d) Promote fair competition amongst petroleum businesses by instituting clear licensing procedures;
 - (e) Ensure compliance with the environmental, health and safety standards;
 - (f) Ensure security of supply of petroleum and petroleum products; and
 - (g) Improve governance of the petroleum sector through streamlined oversight and better management.

3.0 SUMMARY OF THE REGULATIONS

12. This part provides for the summary of the Regulations as hereunder;

3.1 The Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 (L.N. No 95 of 2025)

13. The Legal Notice No. 95 of 2025 is made by the Cabinet Secretary for Energy and Petroleum in exercise of the powers conferred by section 101(b) and (m) of the Petroleum Act, (*Cap. 308*). It seeks to regulate the conduct of petroleum business at a petroleum logistic facility and the construction of a petroleum logistic facility.

14. **Part I** provides for the preliminary provisions. This Part provides for the interpretation of terms as used in the Regulations. The part also provides for the scope of application of the Regulations thereby enhancing clarity in the Regulations.

15. **Part II** provides for the petroleum logistics facility construction permit. This Part prohibits constructing or modifying of a petroleum logistics facility without a construction permit. The Part sets out the procedure for applying for a construction permit, the validity period of a construction permit and the procedure for the extension of the validity period of a construction permit. Further, the Part sets out the obligations of a holder of a construction permit and the grounds or suspension or revocation of a construction permit.

16. **Part III** provides for petroleum business licence. This Part requires a person carrying out a petroleum business to obtain a petroleum business license and sets out the procedure for applying for the petroleum business licence. The Part sets out the validity period of the licence and the procedure for renewal of the licence. Further, the Part sets out the grounds for amending a licence and the procedure for transferring a licence. The Part also provides for the obligations of a holder of a licence and the grounds upon which a licence may be suspended or revoked.

17. **Part IV** provides for the miscellaneous provisions. This Part requires a holder of a construction permit or licence to display a certified copy of the construction permit or licence at the facility or petroleum business premises. The Part sets out the procedure for replacement of a lost licence or construction permit and prohibits tampering with or defacing of a licence or construction permit. Further, the Part requires a holder of a construction permit to carry out an investigation on an accident and submit a report of any accidents or incidents to the Authority. Lastly, the Part provides for appeals against decisions of the Authority.

3.2 The Petroleum Licensing of Petroleum Road Transportation Business) Regulations, 2025 (L.N. No 96 of 2025)

18. The Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025 published as Legal Notice No. 96 of 2025 details the licensing requirements, accident reporting procedures, and safety standards for petroleum retail sites.

19. **PART I-** contains Preliminary provisions on citation and interpretation of terms in the context within which they have been used in the Regulations and limitation of the application of the Regulations.

20. **PART II-** contains provisions on petroleum road transportation business licence including prohibition against petroleum road transportation business without a licence, the procedure for application of a licence to carry out petroleum road transportation business, the period for validity of the licence, the procedure for renewal of the Licence, procedure for amendment of a licence, obligations of a holder of a licence and the requirement for preparation of a journey plan.
21. **PART III-** provides for Petroleum Road Transport Permit including, the prohibition against operating a petroleum tanker without a permit, the procedure for application of a permit, the period of validity of the permit, the procedure for renewal of the permit, the procedure for amendment of a permit and the requirement for installation of a tracking device for purposes of tracking petroleum tankers.
22. **PART IV-** provides for Petroleum Road Tanker Drivers Certificate, including, the prohibition against operating a road tanker without a valid petroleum road tanker driver certificate, the procedure for application of a petroleum road tanker driver certificate, the period of validity of the certificate, the procedure for renewal of the certificate and amendment of the certificate. In addition, this part requires that a driver of a petroleum tanker must at all times while operating the tanker, possess a valid certificate and the obligation of a holder of a certificate.
23. **PART V-** contains the miscellaneous provisions, including, the requirement to park petroleum tankers at designated parking spaces, the requirement of and the procedure for reporting of accidents and incidents, the procedure for investigations of accidents and incidents and the procedure for appeal against the decision of the Energy and Petroleum Regulatory Authority.
24. **FIRST SCHEDULE-** provides the relevant application forms.
25. **SECOND SCHEDULE-** provides for a schedule of the relevant documents that must accompany an application under these Regulations.
26. **THIRD SCHEDULE-** provides for the relevant fees accompanying the applications under these Regulations.

3.3 The Petroleum (Operating of Common Petroleum Facilities) Regulations, 2025 (L.N. No 97 of 2025)

27. The Petroleum (Operation of Common user petroleum Facilities) Regulations, 2025 published as Legal Notice No. 97 of 2025 outline the requirements and procedures for obtaining a license to operate common user facilities for petroleum
28. The Legal Notice No. 97 of 2025 is made by the Cabinet Secretary for Energy and Petroleum in exercise of the powers conferred by section 101 of the Petroleum Act, *Cap 308*. The Regulation seeks to implement the Act by regulating the common user petroleum facilities.
29. **Part I** provides for the preliminary provisions. This Part provides for the interpretation of terms as used in the Regulations and the scope of application of the Regulations thereby enhancing clarity in the Regulations.
30. **Part II** provides for the operation of a common user facility. This Part requires a person operating a common user facility to obtain a licence from the Authority and sets out the procedure for applying and renewal of the licence and the considerations to be taken into

account by the Authority in determining an application for a licence. The Part also requires a licensee to develop and submit a capacity utilization contract to the Authority. Further, the Part sets out provisions on the tariffs to be applied and the allowable operating stock loss.

31. **Part III** provides for the miscellaneous provisions. This Part provides for the complaints handling mechanisms. It also provides for reporting and investigation of accidents or incidents by a common user petroleum facility licensee. Lastly, the Part prohibits provision of false information to the Authority.

3.4 The Petroleum (Information and Statistics) Regulations, 2025 (L.N. 98 of 2025)

32. The Petroleum (Information and Statistics) Regulations, 2025 published as Legal Notice No. 98 of 2025 mandates the collection and submission of information and statistics from licensees and retailers regarding product volumes, sources, and storage capacities to the Energy and Petroleum Regulatory Authority (EPRA).
33. The Legal Notice No. 98 of 2025 is made by the Cabinet Secretary for Energy and Petroleum in exercise of the powers conferred by section 101 of the Petroleum Act, *Cap 308*. The Regulation seeks to licensees undertaking petroleum business to avail information to the Authority.
34. **Part I** provides for the preliminary provisions. This Part provides for the interpretation of terms as used in the Regulations thereby enhancing clarity in the Regulations.
35. **Part II** provides for information on petroleum importation, storage and transportation. This Part requires persons licensed to store petroleum products, import petroleum products or transport petroleum products by pipeline to provide information on storage, importation or pipeline transportation to the Authority.
36. **Part III** provides for information on wholesale and retail of petroleum products. This Part requires persons licensed to carry out wholesale or retail of petroleum products businesses to provide information on the wholesale or retail to the Authority. Further, the Part requires a person licensed to undertake liquid petroleum gas business to provide information on liquefied petroleum gas to the Authority.
37. **Part IV** provides for the miscellaneous provisions. This Part requires the Authority to comply with the Access to Information Act, *Cap 7M*. The Part also requires a licensee undertaking petroleum business to report the occurrence of an accident or incident to the Authority within forty-eight hours. The Part also provides for the offences and penalties.

3.5 The Petroleum (Lubricants Facility Construction and Licensing) Regulations, 2025 (L.N. 99 of 2025)

38. The Petroleum (Lubricants Facility Construction and Business Licensing) Regulations, 2025 published as Legal Notice No. 99 of 2025 require a lubricants facility construction and operation of lubricant facility or business license from EPRA and specify requirements for products quality standards, construction permit, validity and penalties for non-compliance, which include fines of up to one million shillings.
39. **PART I-** contains preliminary provisions on citation and interpretation of terms in the context within which they have been used in the Regulations and the application of the Regulations.

40. **PART II-** contains provisions on construction permits for lubricants facilities, including, the requirement for a construction permit, the procedure for application of a construction permit, the procedure for determination of an application for a construction permit, the form and validity of a construction permit and the obligation of a holder of a construction permit.
41. **PART III-** provides for licensing of a lubricants business, including, the prohibition against operating a lubricant business or operate a lubricant facility without a permit, the procedure for application of a licence, the requirement for an environmental liability policy to accompany an application for a licence, the form and period of validity of a licence, the procedure for renewal of the licence, the procedure for amendment of a licence, the obligation of a lubricant business licensee, the supervision or revocation of a licence and the procedure.
42. **PART IV-** contains the miscellaneous provisions, including, the requirement for display of permits and licences, the requirement of and the procedure for reporting of accidents and incidents, the procedure for investigations of accidents, the inspection of lubricant operating facilities and businesses, the requirement against obstruction, appeals to the Energy and Petroleum Tribunal against the decision of the Energy and Petroleum Regulatory Authority and general penalty for offences committed under the Regulations.
43. **FIRST SCHEDULE-** prescribes the application form for a petroleum lubricants facility construction permit and the accompanying documents.
44. **SECOND SCHEDULE-** prescribes the application requirements for a new and renewal of a licences under regulation 10(1) and 13(2).
45. **THIRD SCHEDULE-** prescribes the application form for renewal of a licence and the requirements for renewal of a Lubricants blending Licence under regulation 13(2).
46. **FOURTH SCHEDULE-** prescribes the application form for an amendment or transfer of a petroleum lubricant licence under regulation 14(1) and 17(2).
47. **FIFTH SCHEDULE-** prescribes the form for lubricants business licence.
48. **SIXTH SCHEDULE-** prescribes the applicable permit and licence fees under regulation 15(2)(i), 10(2), 13(2) and 14(2).
49. **SEVENTH SCHEDULE-** prescribes the petroleum retail business accident reporting form under regulation 19(1).
50. **EIGHTH SCHEDULE-** prescribes the environmental liability policy under regulation 11.

3.6 The Petroleum (Retail Dispensing Site Construction and Licensing) Regulations, 2025 (L.N. 100 of 2025)

51. The Petroleum (Retail Dispensing Site Construction and Licensing) Regulations, 2025 published as Legal Notice No. 100 of 2025 focus on the construction of retail sites, safety measures, accident reporting, and the suspension or revocation of licenses for non-compliance.
52. **PART I-** contains Preliminary provisions on citation and interpretation of terms in the context within which they have been used in the Regulations and limitation of the application of the Regulations.

53. **PART II-** contains provisions on retail dispensing construction permits including construction permit, application for a construction permit, form and validity of a construction permit, determination of application for a construction permit, obligations of a construction permit holder and compliance with statutory obligations.
54. **PART III-** provides for licensing of petroleum retail business including, the petroleum retail license, application for petroleum retail business licence, form and duration of a petroleum retail business licence, renew of a petroleum retail business licence, amendment of a petroleum retail business licence, obligations of petroleum retail business licensee, suspension and revocation of a licence and transfer of a licence.
55. **PART IV-** contains the miscellaneous provisions, including, display of permits and petroleum retail business licence, the requirement and the procedure for reporting of accidents and incidents, the procedure for investigations of accidents and incidents and the procedure for appeal against the decision of the Energy and Petroleum Regulatory Authority.
56. **FIRST SCHEDULE-** provides for the application form for a petroleum retail dispensing site construction permit.
57. **SECOND SCHEDULE-** provides for the written undertaking to the Energy & Petroleum Regulatory Authority.
58. **THIRD SCHEDULE-** provides for the requirements for application for new petroleum retail business licence.
59. **FOURTH SCHEDULE-** provides for the requirements for a renewal of petroleum retail business licence.
60. **FIFTH SCHEDULE-** provides for the petroleum retail business licence.
61. **SIXTH SCHEDULE-** prescribes the application form for renewal of a licence and the requirements for renewal.

3.7 The Petroleum (Liquefied Petroleum Gas) Regulations, 2025 (L.N. 101 of 2025

62. The Petroleum (Liquefied Petroleum Gas) Regulations, 2025 published as Legal Notice No. 101 of 2025 cover various aspects of the LPG business, including definitions for LPG equipment, metered systems, and cylinder management.
63. **Part I** of the regulations provide for preliminary provisions which is the citation, interpretation of the various terminologies used in the text of the regulations and the application of these regulations.
64. **Part II** of the regulations provide for license application. This includes Duration of license. license renewal, minimum distance requirement for liquid petroleum gas, bulk storage and competence and training.
65. **Part III** of the regulations provide for liquid petroleum gas installation and installer's licence. This includes provisions on liquid petroleum gas installation, approved scope of work, materials and workmanship, requirements of work commencement notice and duty of care and insurance.
66. **Part VII** of the regulations provide for import, wholesale, export and retail of liquid petroleum. This includes provisions on importation of bulk liquified petroleum gas, obligation of the importer, obligation of a holder of a bulk liquid petroleum gas wholesale

and export licence, consent by brand owner for wholesale of cylinders , retail of liquified petroleum gas in cylinder ,storage and display of liquid petroleum gas in cylinders , record keeping and cylinder tracking, consent of brand owner before export of liquid petroleum gas cylinders and obligation of a liquid petroleum gas undertaking.

67. **Part v** of the regulations provides for liquid petroleum gas for internal combustion engine Autogas. This includes application for the licence, construction permit, operation license, operations obligations and penalties, Autogas meters and display of unite price, co-location, quality autogas, liquid petroleum gas installer's obligation.
68. **Part VI** of the regulations provide for liquid petroleum gas cylinder. This includes provisions on acquisition of new liquid petroleum gas cylinders and valves , brand registration, cylinder marking, liquid petroleum gas cylinder ownership, inspection , portable liquid petroleum gas cylinder deposit, permanent restitution and refund of deposit, minimum number of liquified petroleum gas cylinders for brand owners, export of liquid petroleum gas cylinder ,liquid petroleum gas cylinder tracking system , obligation of a brand owner , public liability insurance, liquid petroleum gas cylinder requalification, liquid petroleum gas accessories , order to requalify, prohibition against unauthorised refiling , prohibited trade practices, prohibition against wilful damage to another person's cylinder, mutual cylinder exchange system, brand caretaker and appointment and renewal of a brand caretaker .
69. **Part VII** of the regulations provide for liquid petroleum gas bulk storage vessels. Under this part the regulations provide for acquisition, examination, calibration and export of bulk liquid petroleum gas storage vessels.
70. **Part VIII** of the regulations provides for bulk liquid petroleum gas storage and filing plant. Under this part the regulations provide for storage of bulk liquid petroleum gas, capacity to operate, marking of liquid petroleum gas bulk storage and refiling plants, operation of a liquid petroleum gas refilling plant, emergency controls and training and competency.
71. **Part IX** of the regulations provide for consumer site installations, reticulated systems and sale of liquid petroleum gas through volumetric flow meters or smart meter.
72. **Part X** of the regulations provides for consumer installations at public use establishment. Under this part the regulations provide for consumer site installation, standards and safety, price and disclosure, right to statement, maintenance of complaints and disputes handling manual at consumer sites, maintenance of infrastructure and emergency instructions.
73. **Part XI** of the regulations provides for transport of liquid petroleum gas in bulk and in cylinders.
74. **Part XII** of the regulations provide for data reporting and verification.
75. **Part XIII** of the regulations provide for compliance and enforcement.
76. **Part XIV** of the regulations provide for miscellaneous provisions. Under this part the regulations provide for reporting of accidents, retiring of liquid petroleum gas installation, site restoration, investigation of accidents, general offences and penalties, review and appeal and revocation and savings.
77. **The First Schedule** of the regulations provides for various forms to be used for applications in compliance with the requirement set out within the regulations.

78. **The Second Schedule** of the regulations provide for fees payable under the regulations.
79. **The Third Schedule** of the regulations provide for the requirement for application of a construction permit.
80. **The Fourth Schedule** of the regulations provide for documents required in an application of a new licence under these regulations.
81. **The Fifth Schedule** of the regulations provide for documents required in an application for renewal of a licence under these regulations.
82. **The Sixth Schedule** of the regulations provide for applicable cylinder deposit under these regulations.
83. **The Seventh Schedule** of the regulations provide application for the export of liquid petroleum gas cylinders and bulk liquid petroleum gas storage vessels.
84. **The Eighth Schedule** of the regulations provide for unique seal identities request form.
85. **The Ninth Schedule** of the regulations provide for licensing of liquid petroleum gas installers.
86. **The Tenth Schedule** of the regulations provide for notification of offence.
87. **The Eleventh Schedule** of the regulations provide for the minimum safety information in liquid petroleum gas cylinder refill.

3.8 The Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025 (L.N. 102 of 2025)

88. The Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025 published as Legal Notice No. 102 of 2025 require licensed petroleum wholesalers and retailers to submit monthly reports on product volumes sold, purchased, and storage capacities to EPRA.
89. The Legal Notice No. 102 of 2025 is made by the Cabinet Secretary for Energy and Petroleum in exercise of the powers conferred by section 208 of the Energy Act, *Cap 314*. The Regulation seeks to revoke the Energy (Petroleum Information and Statistics) Regulations, 2014.
90. **Regulation 1** provides for the citation.
91. **Regulation 2** provides for the revocation of the Energy (Petroleum Information and Statistics) Regulations, 2014.

3.9 The Energy (Retail Facility Construction and Licensing) (Revocation) Regulations, 2025 (L.N. 103 of 2025)

92. The Legal Notice No. 103 of 2025 is made by the Cabinet Secretary for Energy and Petroleum in exercise of the powers conferred by section 198 of the Energy Act, *Cap 314*. The Regulation seeks to revoke the Energy (Retail Facility Construction and Licensing) Regulations, 2014. The Regulations ensure continuity by stating that any existing licenses, certificates, or permits issued under the old rules remain valid until their specified expiry dates.
93. **Regulation 1** provides for the citation.

94. **Regulation 2** provides for the revocation of the Energy (Retail Facility Construction and Licensing) Regulations, 2014.

95. **Regulation 3** provides for savings and transition.

3.10 The Petroleum (Products Quality Management) Regulations, 2025 (L.N. 104 of 2025)

96. The Petroleum (Products Quality Management) Regulations, 2025 published as Legal Notice No. 104 of 2025 focuses on the quality of petroleum products, covering sampling, testing, and marking of fuel for both local use and export to ensure compliance with Kenyan and international standards.

97. **PART I-** contains Preliminary provisions on citation and interpretation of terms in the context within which they have been used in the Regulations and the application of the Regulations.

98. **PART II-** contains provisions on quality management of refined petroleum products, including, quality of petroleum imported, sampling and testing of imported petroleum, marking of export petroleum, marking of petroleum for use in Kenya, marking of illuminating kerosene, marking personnel, sampling and testing for markers, non-compliant. Site or petroleum tanker, test samples for non-compliant site or petroleum tanker and lifting of sanctions for non-compliant sites or petroleum tanker.

99. **PART III-** contains the miscellaneous provisions, including, the publishing of list of non-compliant sites or petroleum tankers, duty to report non-compliant marine fuels, appeals to the Energy and Petroleum Tribunal against the decision of the Energy and Petroleum Regulatory Authority, general penalty for offences committed under the Regulations and revocation and transition.

100. **FIRST SCHEDULE-** prescribes the application form for a petroleum lubricants facility construction permit and the accompanying documents.

4.0 SCRUTINY OF THE REGULATIONS

101. The Committee had invited the Cabinet Secretary for the Ministry of Energy and Petroleum to appear before it on Tuesday, 14th October 2025, to deliberate on eight Regulations published under the Petroleum Act (*Cap. 308*), and two Regulations published under the Energy Act (*Cap. 314*). However, the Cabinet Secretary, who is the Regulation-making authority, was not available to brief the Committee.
102. The Committee noted that Section 16 of the Statutory Instruments Act (*Cap. 2A*) requires it to confer with the regulation-making authority only where it is practically possible to do so. Consequently, the Committee retains the discretion to consider the Regulations in the absence of the Regulation-making authority where such engagement is not practicable, as provided under the same section.
103. During the scrutiny of the Regulations, the Committee's attention was drawn to a submission on the Petroleum (Liquefied Petroleum Gas) Regulations, 2025 (LN No. 101 of 2025) dated 30th September 2025 by the Independent Gas Dealers Association of Kenya, which cited various concerns regarding the Regulations. The Association noted that the requirement under Regulation 24, requiring mandatory CCTV surveillance with remote access, would be an excessive cost burden on small-scale operators while at the same time raising concerns on cybersecurity and data privacy risks. In addition, the Association raised concern on the requirement on Regulation 38 and 58 on excessive cylinder thresholds of between 30,000 to 70,000 cylinders by brand owners and bulk storage, which they argued would create a high barrier to entry in the market.
104. Further to the above, the Association noted that Regulations 46(1)(a), 60(1), and Section 124 of the Act introduced restrictive refilling rights and disproportionate penalties which risked suppression of the consumer ownership principle, monopolistic control and market capture as well as disproportionate and punitive penalties. (*copy Annexed*)
105. In the explanatory memorandum, the regulation-making authority averred that it had undertaken public participation with various stakeholders, which was conducted through stakeholder mapping and stratification. However, on scrutiny, the committee noted that the regulation-making authority failed to demonstrate proof of public participation contrary to Articles 10 and 118 of the Constitution and section 5(1) of the Statutory Instruments Act.
106. The Legal Notices 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104 of 2025 were published in the Gazette on 30th May 2025. They were received on 11th July 2025 and tabled on 22nd July 2025, being the fifteenth (15) sitting day. This is contrary to section 11 (1) of the Statutory Instruments Act (*Cap. 2A*), which requires a Cabinet Secretary to transmit a copy of a statutory instrument within seven (7) sitting days after publication.
107. The Committee noted the following defects in drafting in the Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 (Legal Notice 95 2025) –
- (a) Clause 2 includes the definition of the word “agent” which has not been used in the text of the Regulations.
 - (b) Regulation 9(1)- the word “who holder” is misplaced in the sentence and does not speak to the context of the regulation.

- (c) Regulation 16(2)- the word “believes” is not a legislative sentence for purposes of legislative drafting.
108. The Committee noted the following defects in drafting in the Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025 (Legal Notice 96 2025) –
- (a) The penalties in the Regulations should be aligned with the penalty framework under the Petroleum Act (Cap. 308), rather than referring to section 24(5) of the Statutory Instruments Act, for clarity and consistency with the parent law.
 - (b) Regulation 23(2) should be amended to delete reference to the Sixth Schedule, as the Regulations end at the Third Schedule. The cross-reference is erroneous and should be corrected to maintain legislative coherence.
 - (c) Regulation 25(1) erroneously refers to a “construction permit.” This should be deleted and replaced with the correct reference to the licences and permits issued under these Regulations to ensure internal consistency.
 - (d) References to “construction permit” in Regulation 27(d), (e), and (f) should be deleted and replaced with the appropriate references to the licences and permits actually issued under these Regulations for accuracy and consistency.
109. The Committee noted the following defects in drafting in the Petroleum (Lubricants Facility Construction and Business Licensing) Regulations, 2025 (Legal Notice 99 2025) –
- (a) The Regulation should adopt the proper definition of “licensing authority” as provided under the Petroleum Act (Cap. 308) to ensure consistency in interpretation.
 - (b) Regulation 23 directs appeals to “the Tribunal” without specifying which tribunal.
110. The Committee noted that the marginal notes under Regulation 91 of the Petroleum (Liquified Petroleum Gas) Regulations, 2025 (Legal Notice 101 2025) is hanging and fails to speak to the context of the said regulation by reading as “requirement for....”

5.0 COMMITTEE OBSERVATIONS

111. Having examined the (*L.N. Nos. 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104 of 2025*) against the Constitution, the Interpretation and General Provisions Act (Cap 2), the Petroleum Act (*Cap 308*) and the Statutory Instruments Act (*Cap 2A*), the Committee observed **THAT**:

- (a) Legal Notice No. *95, 96, 97, 98, 99, 100, 101 and 104 of 2025* are statutory instruments and have the force of law within the meaning of section 2 of the Statutory Instruments Act (*Cap 2A*) to the extent that they are made pursuant to the powers conferred to the Cabinet Secretary for Energy and Petroleum under section 101 of the Petroleum Act (*Cap 308*).
- (b) The Legal Notices *95, 96, 97, 98, 99, 100, 101, 102, 103 and 104 of 2025* were published in the Gazette on 30th May 2025. They were received on 11th July 2025 during short recess and tabled on 22nd July 2025, being the fifteenth (15) sitting day. This is contrary to section 11 (1) of the Statutory Instruments Act (Cap. 2A), which requires a Cabinet Secretary to transmit a copy of a statutory instrument within seven (7) sitting days after publication.
- (c) Legal Notice No. *102 and 103 of 2025* are statutory instruments and have the force of law within the meaning of section 2 of the Statutory Instruments Act (*Cap 2A*) to the extent that they are made pursuant to the powers conferred to the Cabinet Secretary for Energy and Petroleum under sections 208 and 198 of the Energy Act (*Cap 314*) respectively.
- (d) The Regulations were transmitted to Parliament on 11th July 2025 being outside the seven (7) sitting days' timeline prescribed under section 11(1) of the Statutory Instruments Act which provides that a regulatory-making authority shall within seven (7) days after the publication of statutory instruments, ensure that copy of the statutory instrument is transmitted to the responsible Clerk for tabling before the relevant House of Parliament.
- (e) The explanatory memorandum, the regulation-making authority avers that the regulation-making authority subjected the Regulations to public consultation and sought for comments from various stakeholders, however there is attached no evidence of the said public consultation. In addition, vide a letter dated 30th September 2025, the concerns raised by the Independent Gas Dealers Association of Kenya demonstrated insufficient public participation, if there was any.
- (f) Legal Notice No. *95, 96, 97, 98, 99, 100, 101 and 104 of 2025* are defective in drafting contrary to section 13(h) of the Statutory Instruments Act (*Cap. 2A*).

DATE: 16 OCT 2025

DAY.

Thur

TABLED
BY:

Hon. Robert Gichimu, MP
Vice-Chairperson, Delegated Legislation

6.0 COMMITTEE RECOMMENDATIONS

112. Having considered *Legal Notices Number 95, 96, 97, 98, 99, 100, 101, 102, 103 and 104 of 2025* in accordance with the Constitution, Petroleum Act, (Cap 308), Energy Act, (Cap 318), the Interpretations and General Provisions Act (Cap 2), the Statutory Instruments Act (Cap 2A) and the Committee recommends that the House ANNULS IN ENTIRETY the following Regulations –

- (a) The Petroleum (Petroleum Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 (L.N. No 96 of 2025);
- (b) The Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025 (L.N. No 96 of 2025);
- (c) The Petroleum (Operating of Common Petroleum Facilities) Regulations, 2025 (L.N. No 97 of 2025);
- (d) The Petroleum (Information and Statistics) Regulations, 2025 (L.N. 98 of 2025);
- (e) The Petroleum (Lubricants Facility Construction and Licensing) Regulations, 2025 (L.N. 99 of 2025);
- (f) The Petroleum (Retail Dispensing Site Construction and Licensing) Regulations, 2025 (L.N. 100 of 2025);
- (g) The Petroleum (Liquefied Petroleum Gas) Regulations, 2025 (L.N. 101 of 2025);
- (h) The Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025 (L.N. 102 of 2025);
- (i) The Energy (Retail Facility Construction and Licensing) (Revocation) Regulations, 2025 (L.N. 103 of 2025); and
- (j) The Petroleum (Products Quality Management) Regulations, 2025 (L.N. 104 of 2025)

For the following reasons –

- (1) The Legal Notices were published on 30th May 2025 and transmitted to the Clerk of the National Assembly on 11th July 2025, being outside the seven (7) sitting days' timeline contemplated under section 11(1) of the Statutory Instruments Act (Cap. 2A); and
- (2) Failure to demonstrate public participation in compliance with Article 10, Article 118 of the Constitution and Section 5 of the Statutory Instruments Act (Cap 2A).

Signed

Date 16/10/2025

THE HON. CHEPKONG'A SAMUEL KIPRONO, CBS, MP
(CHAIRPERSON)
COMMITTEE ON DELEGATED LEGISLATION

DATE: 16 OCT 2025

TABLED
BY:

**MINUTES OF THE 34TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON TUESDAY, 14TH OCTOBER, 2025, IN COMMITTEE ROOM
21, 5TH FLOOR, BUNGE TOWER, AT 10.00 A.M**

PRESENT

1. The Hon. Samuel Kiprono Chepkong'a, CBS, M.P. - Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. - Vice-Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
5. The Hon. John Paul Mwirigi, M.P.
6. The Hon. Jared Okello Odoyo, M.P
7. The Hon. Waithaka, John Machua, M.P.
8. The Hon. Laura Amina Mnyazi, M.P.
9. The Hon. Joseph Kamau Munyoro, M.P.
10. The Hon. (Dr.) Gideon Kipkoech Kimaiyo, M.P.
11. The Hon. Yakub Adow Kuno, M.P.
12. The Hon. Linet Chepkorir M.P.

APOLOGIES

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
3. The Hon. Joyce Kamene, M.P.
4. The Hon. Anthony Oluoch, M.P.
5. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P
6. The Hon. Pauline Lenguris, M.P.
7. The Hon. (Dr.) Charles Mamwacha Onchoke, M.P.
8. The Hon. Innocent Mugabe, M.P.
9. The Hon. Paul Chebor, M.P.

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------|---|-------------------------|
| 1. Ms. Esther Nginyo | - | Senior Clerk Assistant |
| 2. Mr. Wilson Dima Dima | - | Deputy Director, DLS |
| 3. Mr. Silvanus Makau | - | Clerk Assistant III |
| 4. Mr. Brian Langwech | - | Clerk Assistant III |
| 5. Ms. Elzy Jerop | - | Legal Counsel II |
| 6. Mr. Peter Baraza | - | Legal Counsel II |
| 7. Ms. Nancy Chepkemioi | - | Legal Counsel II |
| 8. Mr. Daniel Ominde | - | Research Officer II |
| 9. Mr. Valerian Pascal | - | Hansard Officer II |
| 10. Mr. Daniel Psirmoi | - | Media Relations Officer |
| 11. Mr. Noah Chemweno | - | Sergeant at Arms |
| 12. Ms. Shirley Safari | - | Attachee |

AGENDA

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. Meeting with the Cabinet Secretary, Ministry of Energy and Petroleum, regarding the following Regulations:
 - I. Petroleum (Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025;
 - II. Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025;
 - III. Petroleum (Operation of Common User Petroleum Facilities) Regulations, 2025;
 - IV. Petroleum (Information and Statistics) Regulations, 2025;
 - V. Petroleum (Lubricants Facility Construction and Business Licensing) Regulations, 2025;
 - VI. Petroleum (Retail Dispensing Site construction and licensing) Regulations, 2025;
 - VII. Petroleum (Liquefied petroleum gas) Regulations, 2025;
 - VIII. Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025;
 - IX. Energy (Retail Facility Construction and Licensing) Regulations, 2025; and
 - X. Petroleum (Products Quality Management) Regulations, 2025.
7. Any Other Business; and
8. Adjournment.

MIN. DAA&GPC/CDL/186/2025

PRELIMINARIES

The Chairperson called the Meeting to order at 10.15 a.m., after which he requested the Hon. Laura Amina Mnyazi, M.P. to say a word of prayer. He then welcomed all to the meeting, followed by a round of introductions.

MIN. DAA&GPC/CDL/187/2025

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted, having been proposed by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P and seconded by the Hon. Laura Amina Mnyazi, M.P.

MIN. DAA&GPC/CDL/188/2025

CONFIRMATION OF MINUTES

The Minutes of the 33rd Sitting held on Thursday, 9th October, 2025, were confirmed as an accurate record of the proceedings, having been proposed by the Hon. Robert Gichimu Githinji, M.P. and seconded by the Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P.

MIN. DAA&GPC/CDL/189/2025

CONSIDERATION OF REGULATIONS PUBLISHED UNDER THE PETROLEUM ACT (CAP 308)

1. The Committee had invited the Cabinet Secretary for the Ministry of Energy and Petroleum to deliberate on ten Regulations published under the Petroleum Act (*Cap. 308*). However, the Cabinet Secretary, being the Regulation-making authority, was not available to appear before the Committee.

2. The Committee observed that Section 16 of the Statutory Instruments Act (*Cap 2A*) permits it to confer with the Regulation-making authority only where it is practically possible to do so. Consequently, the Committee retains the discretion to consider the Regulations in the absence of the Regulation-making authority where such engagement is not practicable, as provided under the same section.
3. Arising from the foregoing, Mr. Wilson Dima Dima, Deputy Director, Directorate of Legal Services proceeded to brief the Committee on the following Regulations:
 - a) Petroleum (Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 (*Legal Notice No. 95 of 2025*);
 - b) Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025 (*Legal Notice No. 96 of 2025*);
 - c) Petroleum (Operation of Common User Petroleum Facilities) Regulations, 2025 (*Legal Notice No. 97 of 2025*);
 - d) Petroleum (Information and Statistics) Regulations, 2025 (*Legal Notice No. 98 of 2025*);
 - e) Petroleum (Lubricants Facility Construction and Business Licensing) Regulations, 2025 (*Legal Notice No. 99 of 2025*);
 - f) Petroleum (Retail Dispensing Site construction and licensing) Regulations, 2025 (*Legal Notice No. 100 of 2025*);
 - g) Petroleum (Liquefied petroleum gas) Regulations, 2025 (*Legal Notice No. 101 of 2025*);
 - h) Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025 (*Legal Notice No. 102 of 2025*);
 - i) Energy (Retail Facility Construction and Licensing) Regulations, 2025 (*Legal Notice No. 103 of 2025*); and
 - j) Petroleum (Products Quality Management) Regulations, 2025 (*Legal Notice No. 104 of 2025*).

i. Statutory Timelines

The Regulations (*Legal Notices No. 95-104 of 2025*) were published in the *Kenya Gazette* on **30th May, 2025**. They were subsequently received by the Clerk of the National Assembly on **11th July, 2025** and tabled on **22nd July, 2025**, being the fifteenth sitting day. This submission was contrary to Section 11(1) of the Statutory Instruments Act, (*Cap. 2A*), which requires a Cabinet Secretary to transmit a copy of a statutory instrument to Parliament within seven sitting days after its publication.

ii. Public Participation

The Explanatory Memorandum alluded to the public participation taking place, however, there was no evidence of the same that was provided in relation to the (*Legal Notices No. 95-104 of 2025*)

4. Having examined the (*Legal Notices No. 95-104 of 2025*) in accordance with the Constitution, the Interpretations and General Provisions Act (*Cap 2*), the Statutory Instruments Act (*Cap 2A*) and the Petroleum Act, (*Cap 308*), the Committee resolved to recommend to the House to **ANNUL** the (*Legal Notices No. 95-104 of 2025*) for failure to

adhere to key provisions of the Statutory Instruments Act (*Cap 2A*) having been proposed by Hon. Joseph Kamau Munyoro, M.P. and seconded by Hon. (Dr.) Gideon Kipkoech Kimaiyo, M.P.

MIN. DAA&GPC/CDL/190/2025

ANY OTHER BUSINESS

The Committee's attention was drawn to a circular from the Ministry of Education, referenced **Ref: MOE.HQS/3/2/5**, regarding the **ban on social activities during the third term**. The circular constitutes a statutory instrument as defined under Section 2 of the Statutory Instruments Act and, therefore, should have been submitted to Parliament for consideration in accordance with Section 11(1) of the same Act.

Consequently, the Committee resolved to invite the Cabinet Secretary for Education to appear before it on **Tuesday, 4th November 2025**, to brief the Committee on the contents and implications of the said circular.

MIN. DAA&GPC/CDL/191/2025

ADJOURNMENT

The meeting was adjourned at twenty-six minutes past eleven o'clock. The next meeting will be held on Wednesday 15th October, 2025.

SIGNED: 

THE HON. SAMUEL CHEPKONG'A, CBS, M.P.
CHAIRPERSON, COMMITTEE ON DELEGATED LEGISLATION

DATE: 

**MINUTES OF THE 35TH SITTING OF THE COMMITTEE ON DELEGATED
LEGISLATION HELD ON THURSDAY, 16TH OCTOBER, 2025, IN COMMITTEE
ROOM 21, 5TH FLOOR, BUNGE TOWER, AT 10.30 A.M**

PRESENT

1. The Hon. Samuel Kiprono Chepkong'a, CBS, M.P. - Chairperson
2. The Hon. Robert Gichimu Githinji, M.P. - Vice-Chairperson
3. The Hon. Robert Mbui, CBS, M.P
4. The Hon. Julius Lekakeny Ole Sunkuli, EGH, EBS M.P
5. The Hon. Maj. (Rtd). Abdullahi Bashir Sheikh, M.P.
6. The Hon. Waithaka, John Machua, M.P.
7. The Hon. John Paul Mwirigi, M.P.
8. The Hon. (Dr.) Charles Mamwacha Onchoke, M.P.
9. The Hon. Joseph Kamau Munyoro, M.P.
10. The Hon. Pauline Lenguris, M.P.
11. The Hon. (Dr.) Gideon Kipkoech Kimaiyo, M.P.

APOLOGIES

1. The Hon. Nicholas S. Tindi Mwale, M.P.
2. The Hon. Joyce Kamene, M.P.
3. The Hon. Anthony Oluoch, M.P.
4. The Hon. Jared Okello Odoyo, M.P
5. The Hon. Laura Amina Mnyazi, M.P.
6. The Hon. Maj. (Rtd). Dekow Barrow Mohamed, M.P
7. The Hon. Yakub Adow Kuno, M.P.
8. The Hon. Linet Chepkorir M.P.
9. The Hon. Innocent Mugabe, M.P.
10. The Hon. Paul Chebor, M.P.

IN ATTENDANCE

SECRETARIAT

- | | | |
|-------------------------|---|------------------------|
| 1. Ms. Esther Nginyo | - | Senior Clerk Assistant |
| 2. Mr. Wilson Dima Dima | - | Deputy Director, DLS |
| 3. Mr. Silvanus Makau | - | Clerk Assistant III |
| 4. Mr. Brian Langwech | - | Clerk Assistant III |
| 5. Ms. Elzy Jerop | - | Legal Counsel II |
| 6. Mr. Peter Baraza | - | Legal Counsel II |
| 7. Ms. Nancy Chepkemoi | - | Legal Counsel II |
| 8. Mr. Daniel Ominde | - | Research Officer II |

AGENDA

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Confirmation of minutes
5. Matters arising
6. **Consideration and adoption of the report on the Scrutiny of Regulations published under the Petroleum Act (Cap 308)**
7. Any Other Business; and
8. Adjournment.

MIN. DAA&GPC/CDL/192/2025

PRELIMINARIES

The Chairperson called the Meeting to order at 10.35 a.m., after which he requested the Hon. (Dr.) Charles Mamwacha Onchoke, M.P. to say a word of prayer. He then welcomed all to the meeting, followed by a round of introductions.

MIN. DAA&GPC/CDL/193/2025

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted, having been proposed by the Hon. Pauline Lenguris, M.P. and seconded by the Hon. John Paul Mwirigi, M.P.

MIN. DAA&GPC/CDL/194/2025

CONFIRMATION OF MINUTES

12. The Minutes of the 34th Sitting held on Tuesday, 14th October, 2025, were confirmed as an accurate record of the proceedings, having been proposed by the Hon. John Paul Mwirigi, M.P. and seconded by the Hon. Joseph Kamau Munyoro, M.P.

MIN. DAA&GPC/CDL/195/2025

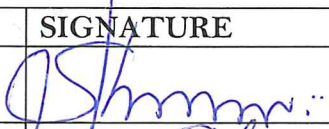

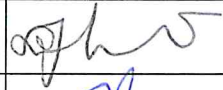


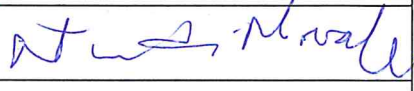





CONSIDERATION AND ADOPTION THE REPORT ON SCRUTINY OF REGULATIONS PUBLISHED UNDER THE PETROLEUM ACT (CAP 308)

1. The Committee considered the report on its consideration of the following Regulations:
 - ii. Petroleum (Business Licensing and Petroleum Logistics Facility Construction Permit) Regulations, 2025 (*Legal Notice No. 95 of 2025*);
 - iii. Petroleum (Licensing of Petroleum Road Transportation Business) Regulations, 2025 (*Legal Notice No. 96 of 2025*);
 - iv. Petroleum (Operation of Common User Petroleum Facilities) Regulations, 2025 (*Legal Notice No. 97 of 2025*);
 - v. Petroleum (Information and Statistics) Regulations, 2025 (*Legal Notice No. 98 of 2025*);
 - vi. Petroleum (Lubricants Facility Construction and Business Licensing) Regulations, 2025 (*Legal Notice No. 99 of 2025*);
 - vii. Petroleum (Retail Dispensing Site construction and licensing) Regulations, 2025 (*Legal Notice No. 100 of 2025*);
 - viii. Petroleum (Liquefied petroleum gas) Regulations, 2025 (*Legal Notice No. 101 of 2025*);
 - ix. Energy (Petroleum Information and Statistics) (Revocation) Regulations, 2025 (*Legal Notice No. 102 of 2025*);

COMMITTEE ON DELEGATED LEGISLATION.

DATE.....VENUE Room 21, 5TH Floor, Runge Tower TIME.....

ADOPTION OF THE COMMITTEES' REPORT ON CONSIDERATION OF REGULATIONS UNDER THE PETROLEUM ACT (CAP 308)

	NAME	SIGNATURE
1.	The Hon. Chepkonga Kiprono Samuel, CBS, M.P, Chairperson	
2.	The Hon. Githinji, Robert Gichumi, M.P. Vice-Chairperson	
3.	The Hon. Mbui, Robert, CBS, M.P.	
4.	The Hon. Sunkuli Julius Lekakeny, EGH,EBS,MP	
5.	The Hon. Maj. (Rtd) Abdullahi Bashir Sheikh, M.P.	
6.	The Hon. Mwirigi, John Paul, M.P.	
7.	The Hon. Kamene, Joyce, M.P.	
8.	The Hon. Mwale, Nicholas S. Tindi, M.P.	
9.	The Hon. Odoyo, Jared Okello, M.P.	
10.	The Hon. Waithaka, John Machua, M.P.	
11.	The Hon. Maj. (Rtd.) Dekow Barrow Mohamed, M.P.	
12.	The Hon. Munyoro, Joseph Kamau, M.P.	
13.	The Hon, Kimaiyo, Gideon Kipkoech, M.P.	
14.	The Hon. Oluoch Anthony, M.P.	
15.	The Hon. Chepkorir, Linet, M.P.	
16.	The Hon. Chebor, Paul, M.P.	
17.	The Hon. Lenguris, Pauline, M.P.	
18.	The Hon. Mamwacha Onchoke Charles, M.P.	
19.	The Hon. Yakub, Adow Kuno, M.P.	
20.	The Hon. Mnyazi, Amina Laura, M.P.	
21.	The Hon. Mugabe, Innocent Maino, M.P.	

