

LAWS OF GUYANA

GUYANA ENERGY AGENCY ACT

CHAPTER 56:04

Act

31 of 1997

Amended by

2 of 2002

3 of 2004

12 of 2005

19 of 2011

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Note
on
Repeal

This Act repealed the Energy Act, No. 2 of 1981

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GUYANA ENERGY AGENCY

31 of 1997

An Act to make provision for the establishment of the Guyana Energy Agency and for specifying its functions and for matters connected therewith.

[1ST JUNE, 1998]

**PART I
PRELIMINARY**

Short title.

1. This Act may be cited as the Guyana Energy Agency Act.

Interpretation.
[3 of 2004
12 of 2005
19 of 2011]

2. In this Act—

“Agency” means the Guyana Energy Agency established by section 3;

“authorised person” means an officer or an employee of the Agency authorised by Chief Executive Officer in writing”

“Board” means the Energy Agency Board established by section 18;

“Chief Executive Officer” means the Chief Executive Officer of the Agency;

“energy” includes power and fuel;

“, Illegal petroleum or petroleum product” means petroleum or petroleum product that -

(a) does not contain the marker;

(b) contains the marker other than in the specified concentration; or

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contains duty free marker and is possessed

(c) contains duty free marker and in possession by any person other than a person who is authorised by the Guyana Revenue Authority to possess duty free and tax free petroleum or petroleum products; ;

“licence holder” means the holder of a licence;

“markers” means any substance -

- (a) declared by the Minister to be duty free marker or domestic marker, as the case may be; and
- (b) identified by the process patented under patent number US 5, 429,952 and EP 409 842 BI, as the case may be; ;

“member” means a member of the Agency and includes the Chief Executive Officer;

“plant” means fixtures, implements, or machinery used in any industrial process and includes-

(a) any machine, engine, equipment, drum, container or device; or

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

"premises" includes any building, structure or land;

"regulations" means regulations made under this Act; ;

“power” includes hydro-power, thermal power and power generated from every other source;

“source of energy” means every source from which energy is generated or brought into existence and includes material or process used for generation or bringing into existence of energy;

“specified concentration” means the concentration of marker in petroleum or petroleum product specified by the Minister from time to time by notification in the *Gazette*;

“vehicle” means any conveyance for the carriage of persons, their effects or goods, whether or not constructed or adapted for use on land, air or water and includes any animal-drawn cart, steam engine, steam roller, boat, ship or aircraft.:

PART II

GUYANA ENERGY AGENCY

Establishment
and
constitution of
the Guyana
Energy
Agency.

3. (1) There is hereby established a body corporate to be known as the Guyana Energy Agency.

(2) The Agency shall consist of—

(a) a Chief Executive Officer;

Term of office
of members
and their
remuneration
and other terms
and conditions
of
appointment.

- (b) a Deputy Chief Executive Officer;
- (c) such heads of divisions of the Agency, not exceeding five, as may be designated by the Minister.

4. (1) The Chief Executive Officer and Deputy Chief Executive Officer shall be full time officers of the Agency and shall be appointed by the Minister, and their remuneration and other terms and conditions of appointment shall be such as may be determined by the Minister.

(2) The heads of divisions of the Agency designated as members thereof (hereinafter referred to as "designated members") shall hold office for such period, not exceeding three years, as may be specified by the Minister.

(3) Notwithstanding anything in subsection (2), the Minister may terminate the appointment of any designated member of the Agency for failure or inability to discharge the functions of his office or for misconduct or in the public interest.

(4) The appointment of any designated member shall not be terminated under subsection (3) unless a reasonable opportunity of being heard has been given to such member.

(5) A designated member may at any time resign by written notice to that effect to the Minister.

(6) A designated member, not being a member whose appointment was terminated under subsection (3) for misconduct, shall be eligible for re-appointment if found suitable, notwithstanding the expiry of his term of appointment or that his appointment was terminated on an earlier occasion.

(7) A designated member shall be paid such allowances as may be determined by the Minister and, subject to the provisions of this section, the other terms and conditions of his appointment, shall be such as may be determined by the Minister.

Functions of
Agency.
[2 of 2002]

5. (1) It shall be the function of the Agency to advise and to make recommendations to the Minister regarding any measures necessary to secure the efficient management of energy and the source of energy in the public interest and to develop and encourage the development and utilisation of sources of energy other than sources presently in use.

(2) Without prejudice to the generality of the provisions of subsection (1), the Agency shall —

- (a) upon the request of the Minister, develop a national energy policy and secure its implementation, either by direct involvement or through other persons;
- (b) carry out research into —
 - (i) all sources of energy including those sources presently used in Guyana for the generation of energy, and
 - (ii) securing more efficient utilisation of energy and sources of energy;
- (c) monitor the performance of the energy sector in Guyana, including the production, importation, distribution and utilisation of petroleum and petroleum products;

- (d) disseminate information relating to energy management, including energy conservation and the development and utilisation of alternative sources of energy;
- (e) perform other functions that are conferred on it by this Act or functions relating to energy management assigned to it by the Minister.

(3) [Deleted by 2 of 2002]

Powers of the
Agency.
[3 of 2004
12 of 2005]

5A (1). The Agency may, in respect of petroleum and petroleum products, grant and issue all licences including the following—

- (a) an import licence;
- (b) a wholesale licence;
- (c) an importing wholesale licence;
- (d) a retail licence;
- (e) a bulk transportation carrier licence;
- (f) a storage licence; and
- (g) a consumer installation licence.

(2) Notwithstanding anything in any other law, no other Government agency or authority or person may exercise the powers conferred on the Agency by subsection (1).

(3) Subject to subsection (2), this Act is in addition to and not in derogation of any other law.

Petroleum and
petroleum
product
marker.
[3 of 2004
12 of 2005
19 of 2011]

5B. (1) The Agency shall utilise a marking system to add markers to petroleum and petroleum products imported by every person under an import licence or import wholesale licence issued by the Agency for the purpose of identifying such petroleum and petroleum products as having been legitimately imported.

(2) The Agency shall add the markers to petroleum and petroleum products at a concentration determined by the Minister by notice in the *Gazette*.

(3) Importers shall ensure that –

- (i) all petroleum products for domestic use arriving at or leaving their terminals or transferred ship to ship or by any other means are marked by the Agency;
- (ii) the Agency is advised of the arrival and movement of all imported petroleum and petroleum products.

(4) The importer shall pay the Agency a prescribed marking fee per litre in respect of petroleum and petroleum products.

(5) The Agency may take samples of petroleum and petroleum products from any person at random throughout Guyana and carry out tests and examination to determine the presence or level of the markers in the samples of the petroleum and petroleum products.

(6) The samples required under subsection (5) shall be supplied by an importer, wholesaler, retailer, or any person in control or possession of the petroleum or petroleum products to an inspector free of charge.

(7) The Agency shall perform such tests as may be

necessary to determine that the presence of the markers is in the **specified concentration** in the volume of the petroleum and petroleum products and any further test that may be necessary to determine whether the petroleum and petroleum products have been lawfully obtained, stored, possessed, offered for sale, blended or mixed with any substances that is not approved by the Agency.

(8) The Agency shall make available the result of any test or examination done under this Act to the concerned licence holder or person in control of petroleum and petroleum products.

(9) Where the Agency gathers empirical evidence under this section such evidence may be admissible in a court of law.

(10) A person who commits an offence who is in possession of petroleum and petroleum products wherein the markers are absent or if present are not in the proportion determined by the Agency under this section and shall be liable on summary convictions to a fine of three million dollars and to imprisonment for three years and the court on convicting such person under this subsection shall order the forfeiture of the petroleum and petroleum products in relation to which offence was committed and any vehicle which contains such petroleum and petroleum products.

(11) Repealed [By Act 19 of 2011]

(12) Repealed [By Act 19 of 2011]

(13) Notwithstanding anything in this section, the minister may by order direct that the Agency shall not add markers to petroleum and petroleum products for a period commencing on a specified date and ending on another specified or ending on a date to be determined by the Minister, by order.

Possession, sale
etc of illegal
petroleum or
petroleum
products.
[19 of 2011]

5BA. (1) A person who possesses, sells, offers to sell, stores, distributes, transports, purchases or obtains or otherwise deals with illegal petroleum or petroleum product commits an offence and is liable on summary conviction to a fine of three million dollars and imprisonment for three years.

(2) Notwithstanding anything contained in section 36, the Chief Executive Officer or an authorised person shall seize the petroleum or petroleum product referred to in sub section (1) and the Chief Executive Officer may dispose of it in the manner approved by the Minister.

(3) As soon as practicable after seizing illegal petroleum or petroleum product, the Chief Executive Officer or a authorised person shall give notice in writing of the seizure and of the reasons for the seizure -

(a) to any person known or believed to have an interest in the illegal petroleum or petroleum product; or

(b) where that person is overseas, to his agent if in Guyana.

(4) A seizure is not invalidated or deemed illegal by reason of any failure to give notice if reasonable steps were taken to give the notice.

(5) Any person aggrieved of any decision of the Agency under this section may appeal to the Minister within three days of seizure of the illegal petroleum or petroleum product

Unlawful
possession of
marker.
[19
2011] of

5BB. A person who possesses, purchases, obtains, stores, offers for sale, sells, distributes, transports or otherwise deals with a marker except as provided by regulations commits an offence and is liable on summary conviction to a fine of three million dollars and imprisonment for one year.

Seizure
of
vehicle,
etc.
Act 19
of 2011

5BC.(1) An authorised person may seize any vehicle, drum, container, or other thing containing illegal petroleum or petroleum product which shall be deemed to be taken and condemned and may be sold or otherwise disposed of in the manner as the Chief Executive Officer deems fit, unless the person from whom the seizure has been made gives notice to the Chief Executive Officer within one calendar month from the date of the seizure that he claims the vehicle, drum, container or other thing whereupon proceedings, shall be taken for the forfeiture and condemnation thereof.

(2) Where any proceedings are taken for forfeiture and condemnation, the court may order delivery of the vehicle, drum, container or thing seized, save and except for the illegal petroleum or petroleum products, to the claimant on security being given for the payment to the Agency of the value thereof in case of condemnation.

Prosecution
to be
instituted
within seven
years.
[19 of 2011]

5BD. Prosecution under this Act and regulations may be instituted and conducted in a court of summary jurisdiction at any time within seven years after the date of the offence,

Regulations in
relation to
petroleum and
petroleum
products.
[3 of 2004]

5C. (1) The Minister may, by regulations, in relation to petroleum and petroleum products, prescribe the following –

- (a) form of an application for a licence;
- (b) conditions for the grant and issue of a licence and the form of a licence;
- (c) conditions governing the transfer, surrender, amendment, suspension and cancellation of a licence;
- (d) validity and duration of a licence;
- (e) ineligibility for a licence;
- (f) general duty with regard to the safe handling and disposing of petroleum and petroleum products;
- (g) duties in regard to buildings, measurements, specifications and standards;
- (h) fire prevention and for dealing with measures for petroleum spills;
- (i) the duties and powers of inspectors; including the authority to enter

premises and seize illegal petroleum or to clean up petroleum and petroleum products spills;

- (j) information and records to be kept;
- (k) confidentiality of information in the possession of the Agency;
- (l) the blending of petroleum and petroleum products;
- (m) temporarily taking control of premises;
- (n) approval of standards and specifications;
- (o) the marking of petroleum and petroleum products;
- (p) any other matter that may be necessary for the administration of this Act.

(2) Regulations made under subsection (1) may prescribe for their breach –

- (a) a penalty of three million dollars and imprisonment for three years;
- (b) for the seizure and forfeiture of petroleum and petroleum products imported without an import licence;
- (c) for the seizure and forfeiture of any vehicle conveying petroleum and petroleum products imported without an import licence.

Advisory
functions of
Agency.

6. (1) The Agency shall study and keep under review matters relating to the exploration for, production, recovery, processing, transmission, transportation, distribution, sale, purchase, exchange and disposal of energy and sources of energy within and outside Guyana, shall report thereon to the Minister and shall recommend to the Minister such measures as it considers necessary or in the public interest for the control, supervision, conservation, use, marketing and development of energy and sources of energy.

(2) The Agency shall, at the request of the Minister, prepare studies and reports on any matter relating to energy or any source of energy, including research into alternative sources of energy, or the application of such research, and shall recommend to the Minister the making of such arrangements as it considers desirable for co-operation with governmental or other agencies in or outside Guyana in respect of matters relating to energy and sources of energy.

c. 56:01

(3) The Agency shall, at the request of the Minister assigned authority for administration of the Electricity Sector Reform Act, tender any advice needed by him or required under that Act in the discharge of his functions.

(4) In the discharge of its functions under this section, the Agency shall, wherever appropriate, utilise agencies of the Government to obtain technical, economic and statistical advice.

Exercise of
functions
under the
Hydro-
Electric
Power Act
c. 56:03.
[2 of 2002]

7. (1) The functions conferred on the President by the Hydro-Electric Power Act and the regulations made thereunder shall be exercised by the Minister and the provisions of that Act relating to the functions of the President shall be read and construed and have effect as if references therein to the President were references to the Minister.

(2) The functions conferred on the Chief Works Officer and the Engineer by the Hydro-Electric Power Act and any regulations made thereunder shall, notwithstanding anything in any other written law, be exercised by the Chief Executive Officer or such officer of the Agency as may be specified by the Chief Executive Officer, and the provisions of that Act relating to the functions of the Chief Works Officer and the Engineer shall be read and construed and have effect accordingly.

Power of
Agency to
make rules.

8. (1) Subject to subsection (2), the Agency, with the approval of the Minister, may, for the purpose of formulating and implementing measures calculated to improve the situation in Guyana with regard to energy and sources of energy, make rules for all or any of the following—

- (a) regulating or prohibiting the production, supply, acquisition or use of energy or sources of energy;
- (b) prescribing technical efficiency standards of plant, equipment, appliances and vehicles that consume or produce energy;
- (c) prohibiting or restricting the import, manufacture or use of plant, equipment, appliances and vehicles that do not comply with prescribed technical efficiency standards in respect of energy consumption or production, or use a type of fuel which, in the opinion of the Agency, is inappropriate in the context of energy conservation or the utilisation of alternative sources of energy;
- (d) prescribing technical standards,

procedures and guidelines for the storage, production, processing and distribution of energy or sources of energy or for technical persons employed therein;

- (e) prescribing incentives, financial or otherwise, for the development and utilisation of alternative sources of energy, including the conversion to an alternative source of energy of plant, equipment, appliances, vehicles or other energy-consuming machinery or for the modification thereof, or for building for the purpose of reducing energy consumption;
- (f) generally for carrying out the purposes and provisions of this Act.

(2) For the removal of doubt it is hereby declared that the rule-making authority of the Agency under subsection (1) does not extend to making rules for the administration of the Electricity Sector Reform Act or the Public Utilities Commission Act.

c 56:01
c 57:01

(3) Rules made under this section are subject to negative resolution of the National Assembly.

Instructions by
Minister.

9. The Minister, after consultation with the Agency, may issue instructions to any person in respect of energy and any matter connected therewith and any person to whom any such instruction is issued shall comply with the instruction within a reasonable time specified by the Minister.

Power to
compel
information
and
preservation of

10. (1) In the performance of its specified functions under sections 5, 6 and 8, the Agency may request a licence-holder, producer, processor, or any consumer of energy or any source of energy to provide any information in respect of

secrecy.
[2 of 2002
3 of 2004]

his or its business production, processing or consumption of that energy or source of energy that the Agency considers necessary for the performance of its functions, and the person to whom such request is made shall comply with the request within a reasonable time to be specified by the Agency.

(2) Except for the purpose of the discharge of his functions or when lawfully required to do so by any court or under the provisions of any law, a member or officer or other employee of the Agency shall not disclose any information which he has acquired in the course of the discharge of his functions.

(3) Any person who fails or neglects to provide any information when lawfully required to do so under subsection (1) or contravenes the provisions of subsection (2) shall be liable on summary conviction to a fine of one hundred thousand dollars and to imprisonment for one year.

Committees of
Agency.

11. (1) The Agency may appoint committees consisting of its members, or its members and other persons, and delegate to any such committee any of its functions.

(2) Without prejudice to the provisions of subsection (1), the Agency may appoint a committee consisting of its members, or its members and other persons, to report to the Agency, or advise it, on any matter specified by the Agency.

(3) The remuneration payable to the members of committees appointed by the Agency and other terms and conditions of their appointment shall be such as may be determined by the Agency with the approval of the Minister.

Chief
Executive
Officer.

[19 of 2011]

12. (1) The Chief Executive Officer shall be responsible for implementing the decisions of the Agency.

(2) Without prejudice to the provisions of

subsection (1), and subject to the general policy decisions of the Agency, the Chief Executive Officer shall be responsible for the management of the Agency, including the organisation and discipline of the staff in accordance with the general terms and conditions of service established by the Agency with the approval of the Minister.

(2A) The Chief Executive Officer may, in writing, delegate the exercise of any of his functions under this Act to any officer or other employee of the Agency

(3) If the Chief Executive Officer is absent or is unable to act or if the office is vacant, the Deputy Chief Executive Officer shall have, and discharge, the functions of the Chief Executive Officer **except those functions that have been delegated to any other officer or employee of the Agency.**

13. (1) The Agency may, with the approval of the Minister, employ at such remuneration and on such other terms and conditions as it thinks fit, a Secretary, heads of divisions, inspectors, and such other officers and employees as the Agency may require.

(2) The Agency may delegate to the Chief Executive Officer the power conferred on it by subsection (1) in respect of any class of employees, subject to such terms and conditions, if any, specified by it.

14. The Agency may, at any time, retain the services of experts and other professional persons (including consultants) having specialised knowledge relevant to the Agency's functions; and may pay such persons such remuneration in respect thereof as the Agency, with the approval of the Minister, may determine.

15. (1) The Agency shall meet at such times as may be necessary or expedient for the transaction of its business, and the meetings shall be held at such places and times and on such days as the Agency may determine.

(2) One-third of all the members of the Agency shall constitute the quorum for any of the meetings of the Agency.

~~(3) The Minister may make regulations to prescribe~~

the procedure of the Agency and, subject to the provisions of this Act and such regulations, the Agency may regulate its own procedure and may make rules for that purpose.

Fees for services.

16. The Agency may charge and recover fees for any services rendered by it, including the conduct of any study or the granting of any permission.

Funds and resources of Agency.

17. (1) The funds and resources of the Agency shall consist of—

- (a) sums paid to, or recovered by, the Agency under any provisions of this Act;
- (b) income earned by the Agency from any of its operations, commercial or otherwise;
- (c) sums provided to the Agency by or under any appropriation law;
- (d) sums allocated, from time to time, to the Agency from loan funds;
- (e) sums received by way of grant, gift or bequest from any person or agency;
- (f) any property or investment acquired by, or vested in, the Agency;
- (g) moneys earned or arising from any property or investment acquired by, or vested in, the Agency;
- (h) sums borrowed by the Agency for the purpose of meeting any of its obligations or the performance of any of its functions; and

- (i) all other sums or property which may in any manner become payable to or vested in the Agency in respect of any matter pertaining to or incidental to its functions.

(2) The Agency may, with the approval of the Minister, borrow sums required by it for meeting any of its obligations or performing any of its functions, and such approval may be either general or limited to a particular borrowing, and may be either unconditional or subject to such terms and conditions as may be specified by the Minister.

(3) The charges on any amount which may be allocated to the Agency from loan funds shall be met by the Agency, except that all or any part of such charges may be met out of moneys provided by or under any appropriation law.

(4) For the purposes of this section, the expression "loan funds" means such sums as may be made available from time to time to the Government by way of loan.

PART III

ENERGY AGENCY BOARD

Establishment
and
constitution of
Energy Agency
Board.

18. (1) There is hereby established a body to be known as the Energy Agency Board.

(2) The Board shall consist of—

- (a) the Chief Executive Officer of the Agency;
- (b) the Deputy Chief Executive Officer of the Agency;

- (c) any additional number of persons, not exceeding five, as may be specified by the Minister.

(3) The members of the Board shall be appointed by the Minister, and the members so appointed by the Minister under subsection (2) shall be appointed from among governmental and private sector organisations or institutions with a particular interest or expertise in matters of energy policy, which organisations or institutions shall be consulted by the Minister prior to making such appointments.

(4) The Minister shall appoint one member of the Board to be the Chairman and another member of the Board to be the Vice-Chairman of the Board.

(5) Where the Chairman of the Board is, for any reason, unable to carry out his functions under this Act or if the office is vacant, the Vice-Chairman of the Board shall have and discharge the functions of the Chairman for the period of the inability of the Chairman to carry out his functions under this Act.

Term of office
of members of
Board.

19. The appointment of a member of the Board appointed under section 18(2) may be terminated by the Minister if, in the opinion of the Minister, such member has ceased to represent the interest or provide the requisite expertise of the organisation or institution from which he was appointed:

Provided that the appointment of a member of the Board shall not be terminated by the Minister under this subsection unless a reasonable opportunity of being heard has been given to such member.

Expenses of
members of
Board.

20. A member of the Board shall be paid

Secretary and other employees of the Board.

expenses at rates determined by the Minister.

21. (1) The Secretary of the Agency shall be secretary of the Board.

(2) The Chief Executive Officer of the Agency shall make available to the Board the services of such other staff and such other facilities as are necessary for the proper and efficient discharge of the functions of the Board.

Meetings and procedure of Board.

22. The Board shall meet whenever necessary to ensure the proper discharge of its functions under this Act or whenever directed by the Minister or by the Chief Executive Officer of the Agency and, subject to the approval of the Minister, the Board may regulate its own procedure.

Functions of the Board.

23. (1) The Board shall serve as a Board of Directors for the Agency, to which matters affecting the performance by the Agency of its functions under this Act shall be referred by the Minister or the Agency, as the case may be.

(2) The Board shall, as soon as possible after receipt of any matter referred to it by the Minister or the Agency, consider the matter expeditiously and communicate to the Minister or the Agency, as the case may be, in writing, the advice or opinion of the Board thereon.

Preservation of secrecy.

24. The provisions of section 10(2), and the penalty prescribed for the contravention thereof by section 10(3), shall *mutatis mutandis* apply to the members of the Board and to the officers and other employees referred to in section 21.

PART IV MISCELLANEOUS

Power of the Minister to give directions.

25. (1) The Minister shall give to the Agency directions as to the policy to be followed by the Agency in the performance of its functions.

(2) Without prejudice to the provisions of subsection (1), the Minister may give directions to the Agency about the priorities and in relation to its functions and management of its finance and assets.

(3) Any direction given to the Agency by the Minister under subsection (1) or (2) shall be given effect to by the Agency.

(4) The Agency shall provide such facilities to the Minister as will enable him to verify information furnished in pursuance of this section.

Power to delegate functions of the Minister.

26. The Minister may in writing delegate any function conferred upon him by this Act, other than the power to make subsidiary legislation, to any person employed by the Government.

Notification of appointment of members of Agency and members of Board.

27. The names of the members of the Agency and of the Board as first constituted, and every change in the membership thereof, shall be published in the *Gazette*.

Accounts and audit.

28. (1) The Agency shall keep accounts of its transactions to the satisfaction of the Minister, and such accounts shall be audited annually by the Auditor General.

(2) The Minister may, at any time, request the Auditor General to examine the accounts of the Agency for any particular purpose or in regard to any particular matter, and to report thereon to the Minister.

(3) The members, officers and employees of the Agency, and of any company or other organisation established by it, shall grant to the Auditor General, for the purposes of audit under subsection (1) or (2), access to all books, documents, cash and securities of the Agency and of

such company or other organisation, and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Agency or such company or organisation.

(4) The Auditor General shall have power to summon and examine all persons whom he shall think fit to examine for the purpose of obtaining information in connection with the examination and audit of the accounts of the Agency and respecting all other matters and things necessary for the due performance of the functions vested in him; and if any person summoned as aforesaid is not a public officer or an officer or employee of the Agency, he shall be entitled to payment for his attendance as if he were a witness attending a legal proceeding in obedience to a summons issued at the instance of the State.

(5) Any person summoned under subsection (4), who without reasonable excuse makes default in obeying the summons, shall be liable on summary conviction to a fine of five thousand dollars and, in default of payment, to imprisonment for one month.

(6) The agency shall pay to the Auditor-General for performing the functions under subsection (1) or (2) such fees as may be determined by the Minister assigned responsibility for finance.

Writing off bad debts.

29. The Agency may, with the approval of the Minister, write off bad debts.

Reports.

30. (1) The Agency shall, not later than six months from the end of each calendar year, submit to the Minister a report containing—

- (a) An account of their transactions throughout the preceding calendar year in such detail as the Minister may direct;

- (b) A statement of accounts of the Agency audited in accordance with section 28.

(2) A copy of the report referred to in subsection (1), together with a copy of the Auditor General's report, shall be laid before the National Assembly.

(3) The Agency shall submit to the Minister reports at such intervals and as regards such matters relating to the operations of the Agency and in such detail, as the Minister may specify.

Super-annuation benefits.

31. (1) The Agency may, with the approval of the Minister, make such provisions as it deems appropriate for the payment of pension, gratuity or other allowances in respect of the service of its officers (including the Chief Executive Officer and Deputy Chief Executive Officer) and other employees on their retirement from their employment with the Agency.

c. 19:05

(2) Section 28 of the Public Corporations Act shall *mutatis mutandis* apply to public officers, persons (not being public officers) holding appointments in the public service and teachers, referred to therein, who are seconded, temporarily transferred or transferred to the Agency, as if the Agency were a public corporation.

Dissolution of the Guyana Energy Authority and the Energy Advisory Council.

32. (1) With effect from the 24th October 1997 the Guyana National Energy Authority (hereinafter referred to as "the Authority") and the Energy Advisory Council (hereinafter referred to as "the Council") established by the repealed Energy Act shall stand dissolved, and the appointment of all the members thereof shall stand terminated.

(2) All the assets (including rights and interests) which, on the day immediately before the 24th October, 1997,

were vested in or belonged to the aforesaid Authority shall, with effect from that day, by virtue of this section and without further assurance, stand transferred to and vested in the Agency.

(3) The assets of the Authority transferred to and vested in the Agency under this subsection shall include—

- (i) all the furniture and other furnishings, office and communications equipment, motor vehicles and other means of transportation owned by the Authority;
- (ii) all books, documents and other records including electronically stored data and other material owned by or in the possession of the Authority;
- (iii) all material prepared by the Authority or any employee of the Authority on its behalf or in connection with its functions;
- (iv) copyright and rights to other intellectual property vested in the Authority;
- (v) cash in hand, amounts held in bank accounts in the name of the Authority;
- (vi) all sums or property which in any manner were received by, or became payable to or vested in, the Authority in the performance of its functions or in respect of any matter incidental thereto.

(4) The liabilities of the Authority as on the day immediately before the 24th October, 1997, shall, with effect

from that day, stand transferred to the Agency and shall be discharged by, and enforceable against, the Agency as if the said liabilities had been incurred by the Agency.

(5) Nothing in subsections (3) and (4) shall apply to rights and liabilities under any contract of service.

(6) Without prejudice to the provisions of subsection (4), all contracts, deeds, bonds, overdrafts, guarantee agreements or other instruments or other documents which were subsisting immediately before the 24th October, 1997 and affected the Authority shall, as from that day, in so far as they relate to the undertakings or the property of the Authority, be of full force and effect against or in favour of the Agency and be enforceable as fully and effectively as if, instead of the Authority, the Agency had been named therein and had been a party thereto.

(7) Where immovable property has, by virtue of this section, vested in the Agency, the Registrar of Deeds shall take due notice thereof and shall make such annotations on the records as may be necessary.

(8) Any proceedings commenced by or against the Authority prior to the 24th October, 1997 for the enforcement of any right or liability which is transferred or attached to the Agency by virtue of this section, and pending immediately before that day in any court or before any authority, may be continued by or against the Agency.

(9) Notwithstanding anything contained in this Act or any other written law or contract to the contrary, the appointment of all the officers and employees employed by the Authority or the Council immediately before the 24th October, 1997 shall stand terminated with effect from that day:

Provided that any person whose appointment

stands terminated under this subsection may, if such person applies for employment by the Agency in any position before that day and the Agency after consultation with the Minister is satisfied that such person is a fit and proper person for such employment, continue in employment in a position in the Agency on such terms and conditions as may be agreed upon between him and the Agency, and in respect of any person so continued in employment by the Agency, the Agency shall be the successor of the Authority or Council, as the case may be, with regard to his leave or superannuation rights or benefits, whether accrued, earned, inchoate or contingent.

Power of the Minister to make regulations.

33. (1) The Minister may make regulations for carrying out the purposes of this Act.

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

(a) the procedure of the Agency;

(b) any other matter that is required to be, or may be, prescribed by the Minister under this Act by regulations.

Power to accept compensation for offences.
[19 of 2011]

33A. Notwithstanding any other provisions of this Act, the Chief Executive Officer may, in any case he deems proper and in substitution for any proceedings in a court of summary jurisdiction, with the approval of the Minister, accept on behalf of the State a sum of money by way of compensation, not exceeding the penalty so prescribed for the offence, from any person reasonably suspected of a contravention of the Act or any regulations:

Provided that any compensation shall be accepted only where the person reasonably suspected of such contravention has expressed his willingness in the form prescribed by the Chief Executive Officer that the contravention as aforesaid shall be so dealt with.

PART V

Prosecution
[19 of 2011]

34. Any person authorised in writing by the Chief Officer may institute and conduct any prosecution under this Act.

Authorised
persons to have
powers of the
Police Force
[19 of 2011]

35. For the purpose of exercising functions and carrying duties under this Act, an authorised person shall have the same powers, authorities and privileges as are given by law to the members of the Police Force."

Entry of
premises.
[12 of
2005]

36. (1) Where a magistrate is satisfied by information on oath that there are reasonable grounds for believing that in any place there is concealed or deposited, stored or sold, any illegal petroleum in respect of which an offence against this Act or the regulations made thereunder has been committed, is planned to be committed or is being committed, he may by warrant under his hand directed to an officer mentioned in section 34, empower such officer –

- (a) at any reasonable time (or, in a situation in which in his opinion this Act or the regulations made thereunder are being contravened or there is an immediate risk that this Act or regulations made thereunder will be contravened, at any time) to enter property or premises which he has reason to believe it is necessary to enter;
- (b) on entering any premises by virtue of paragraph (a) to take with him –
 - (i) any person duly authorised by the Agency; and
 - (ii) any equipment or materials required for any purposes for which the powers of entry is being exercised;
- (c) to make such examination and investigation as may in any circumstances be necessary, and direct that those premises or any part of them, or anything should be left undisturbed for so long as is

reasonably necessary for such examination or investigation;

- (d) to take such measurements and photographs and make such recordings as he considers necessary, for the purposes of any examination or investigation under paragraph (c);
- (e) to take samples of any petroleum or petroleum products found in or on any premises which he has power to enter;
- (f) in the case of any such petroleum or petroleum products or substance mentioned in paragraph (e) from which samples were taken, to take possession of such petroleum or petroleum products or substances or the samples thereof and detain them for so long as is necessary for all or any of the following purposes namely
 -
 - (i) to examine them and do to them anything which he has power to do;
 - (ii) to ensure they are not tampered with before his examination of them is completed;
 - (iii) to ensure that either the petroleum or petroleum products or samples thereof are available for use as evidence in any proceedings for an offence under this Act or the regulations made thereunder;

-
- (g) to require the production of, or where the information is recorded in computerised form the furnishing of extracts from, any records which it is necessary for him to see for the purposes of an examination or investigation under paragraph (c) and to inspect, and take copies, of any entry in the records;
 - (h) to require any person to afford him such facilities and assistance within that person's control or in relation to which that person has responsibilities as are necessary to enable him to exercise any of the powers conferred on him by this section.

(2) An officer mentioned in section 34 may in exercise of the power under subsection (1), if compelled by circumstances –

- (a) break open any outer or inner door or wall of such place, and enter therein;
- (b) forcibly enter such place and every part thereof;
- (c) remove by force any obstruction to such entry, search, seizure and removal as he is empowered to effect;
- (d) detain every person found in such place until such place has been searched;
- (e) seize and detain any illegal petroleum found in such place.

(3) Any person claiming the right to enter any premises shall, if required to do so, produce to the owner or occupier of such premises the document authorising him in that behalf.

(4) A person performing his duties under this section shall not be liable in any civil or criminal proceedings for anything done or omitted to be done in the performance thereof if the court is satisfied that the act was done in good faith and that there were reasonable grounds for doing it.

Powers of authorised persons to enter premises or other place without warrant. [19 of 2011]

37. Where an authorised person is, for reasons to be recorded in writing, satisfied that the investigation is one of great emergency and that in the interest of justice immediate action is necessary and the delay caused by the time required to apply for and obtain a warrant to enter and search any premises would defeat the purpose of the search, he may enter and search the premises and for that purpose exercise any or all of the powers referred to in section 36 as though empowered by warrant under the hand of a magistrate under section 36,".

Analyst. [12 of 2005]

38. (1) The Minister may, from time to time, by notification in the *Gazette* designate any duly qualified officer of the Agency as an Analyst for the purposes of this Act or the regulations made thereunder.

(2) In any prosecution or any proceedings under this Act or the regulations made thereunder a certificate signed or purported to be signed by an Analyst, designated under subsection (1), stating that he has analysed or examined any substance and the result of his analysis or examination, shall be admissible in evidence and shall be *prima facie* evidence of the statements contained in the certificate and of the authority of the person giving or making the same, without any proof of appointment or designation or signature.

False or misleading information [19 of 2011]

38A. A person who provides the Agency or an authorised person with any statement, return, or other information that is false or misleading in any material respect, in connection with any document or information submitted or required to be submitted under this Act commits an offence,

Penalty.
[12 of 2005]

39. Where a person commits a breach of this Act for which no penalty is prescribed, he shall on conviction be liable to a fine of two hundred thousand dollars.

SUBSIDIARY LEGISLATION

**PETROLEUM AND PETROLEUM PRODUCTS
REGULATIONS**

made under sections 5 and 33

REGULATION

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Reg. 7/2004

**PETROLEUM AND PETROLEUM
PRODUCTS REGULATIONS**

**PART I
PRELIMINARY**

Citation.

1. These Regulations may be cited as the Petroleum and Petroleum Products Regulations.

Interpretation.

2. In these Regulations, unless the context otherwise indicates, a word or expression as defined in the Act has the same meaning, and -

"additive" means any substance, other than one composed solely of carbon and hydrogen, that is intentionally added to petroleum and petroleum products and that is not intentionally removed prior to sale or use;

"approved specification" means any specification or standard applied by the Agency under regulation 41;

"blending" means the mixing of one or more petroleum

products with or without another product if the product obtained by blending is capable of use in the generation of power and is in keeping with the approved specification;

"bulk quantity" means a single quantity in excess of 2000 litres;

"business of a wholesaler" means to act as a wholesaler and to conduct any activity reasonably required in connection with petroleum and petroleum products or incidental thereto, including the handling, possession, conveying and storage of such petroleum and petroleum products;

"CIF" means cost, insurance and freight;

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

"dangerous situation" means –

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

consumer installation

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

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

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

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

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

"operate" means to conduct the activities of an operator;

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

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

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

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

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

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

"plant" includes -

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

"relevant premises" means -

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

"retail licence" means a licence issued under regulation 6;

"retail licence-holder" means the holder of a retail licence;

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

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

"site" means -

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

is installed;

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

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

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

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

"wholesale licence" means a licence issued under regulation 13;

"wholesale licence-holder" means the holder of a wholesale licence;

"wholesaler" means any person who imports or distributes petroleum and petroleum products for the purposes of the wholesale sale thereof by that person; and

"wholesale sale" means the sale of petroleum and petroleum products in bulk quantities.

Licences.

3. The Agency shall issue a licence in accordance with these Regulations.

**PART II
LICENCES**

*Possession and sale of and other acts relating to Petroleum
and Petroleum Products*

Licensing.

4. (1) A person shall not -

- (a) possess or store petroleum and petroleum products in a total quantity exceeding 2000 litres without a storage licence issued by the Agency. offer petroleum and petroleum products for sale without the appropriate licence issued by the Agency;
- (b) import petroleum and petroleum products without the specific licence issued by the Agency;
- (c) operate a retail outlet or conduct the business of a wholesaler, unless authorised to do so under a retail licence or a wholesale licence respectively;
- (d) transport petroleum and petroleum products in bulk quantities whether on land, air or sea unless the vehicle is licensed to transport petroleum and petroleum products in bulk quantities;
- (e) operate a consumer installation without a licence;
- (f) possess or store petroleum and petroleum products in a total quantity exceeding 2000 litres without a storage licence issued by the agency.

- (2) (i) A person who fails to comply with the provisions of paragraph (1) (a) or (c) commits an offence punishable on summary conviction under regulation 64 (c);
- (ii) A person who fails to comply with the provisions of paragraph (1) (b), (d), (e) or (f) commits an offence punishable on summary conviction under regulation 64 (b).

(3) The Agency may, in accordance with these Regulations, grant and issue the following licences within the contemplation of paragraph (1) -

- (a) an import licence;
- (b) a wholesale licence;
- (c) an importing wholesale licence;
- (d) a retail licence;
- (e) a bulk transportation carrier licence;
- (f) a storage licence; and
- (g) a consumer installation licence.

- (4) The Agency may -
- (a) determine the class or category of petroleum and petroleum products to which paragraph (3) applies;
 - (b) designate as many persons as are

necessary for the performance or exercise of its powers, duties and functions under these Regulations.

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

-

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

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

Second
Schedule

[Subsidiary]

*Petroleum and Petroleum Products Regulations**Retail Licence*

Application for
retail licence.
Second
Schedule
Form PP/1

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

(2) An applicant for a retail licence shall attach to the application -

- (a) a certified copy of the applicant's identity document and, in the case of a non Caricom national, a permanent residence permit or a valid work permit.
- (b) a certified copy of its registration or incorporation documents where the applicant is a company;
- (c) a certified copy of an environmental permit and where an environmental impact assessment study has been conducted, a certified copy of the document setting out the outcome of the study;
- (d) a police clearance certificate;
- (e) if not a first time applicant, a tax compliance certificate issued by the Guyana Revenue Authority;
- (f) if applicable, a written confirmation by the supplying

wholesaler, if the applicant is not a wholesaler, that the wholesaler agrees to supply petroleum and petroleum products to the applicant and a list of all buildings, structures and plant and any other item or assistance such wholesaler agrees to supply to the applicant in the event of a successful application;

- (g) approved plans, final design or construction drawings of all buildings, roadworks, structures and plant to be erected on the proposed premises, including the location of the proposed premises and a general layout plan thereof, including confirmation of meeting industry standards with respect to buildings, quantities and sizes of tanks, number of pumps, piping and materials;
- (h) any permits required for the facilities, including those of the Guyana Fire Service, Guyana National Bureau of Standards and Central Housing and Planning Authority; copies of required Revenue licences;
- (i) proof of ownership of land or evidence of right to occupy same;
- (j) a signed declaration of the number of retail outlets already operated by the applicant, if any;

[Subsidiary]

Petroleum and Petroleum Products Regulations

(k) a copy of the petroleum licence issued by the Guyana Fire Service;

(l) revenue licences

(m) Guyana National Bureau of Standards certificate verifying pump accuracy.

First
Schedule

(3) An applicant for a retail licence shall submit the application together with the appropriate application fee stated in the First Schedule.

Grant, issue and
form of retail
licence.

6. (1) The Agency shall consider an application for a retail licence and may, subject to these Regulations and after consideration of any comments made under regulation 27 -

(a) refuse the application stating the reasons therefore; or

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

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

(3) The Agency may refuse an application if the past conduct of the applicant affords reasonable grounds for belief that the activities to be conducted

pursuant to the retail licence shall not be conducted in accordance with these Regulations and in a safe manner.

First
Schedule

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

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

Criteria for
decisions relating
to retail licence.

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

- (a) the protection of employees, public safety and health through coordination with the relevant authorities;
- (b) the protection of the environment;
- (c) the record of compliance with the Act, these Regulations and any other law;
- (d) the suitability of the premises concerned with regard to safety, health, security, hazardous substances, environment and town planning requirements, in

coordination with the relevant authorities;

- (e) the need for facilities and services to be provided for consumers at the location concerned and the extent to which the interests of petroleum products consumers shall be served;
- (f) the avoidance of monopolistic conditions in the petroleum or petroleum products retail industry and the maintenance of fair and reasonable competition;
- (g) any comments by the Environmental Protection Agency to which the matter was referred under regulation 27;
- (h) any other matter relevant to the orderly provision of petroleum or petroleum products; and
- (i) the applicant dealings, if any, in illegal petroleum and petroleum products.

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

Conditions of retail licence.

8. (1) General conditions that apply to retail

licences include the retail licence. following, that the retail licence-holder

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

applicable by the Bureau of Standards or any law;

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

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

- (a) the reporting of dangerous situations or accidents;
- (b) the preparation and submission to the Agency of assessments of the safety, health, environment and security risks associated with the activities authorised under the retail licence;
- (c) the safe disposal of petroleum and petroleum products, including the collection and discarding of used oil generated or collected through the operation of the retail outlet and any associated servicestations;
- (d) insurance against or guarantee

for, petroleum product spills, which insurance or guarantee shall cover the cost involved in the cleaning-up of such spills.

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

Bulk quantity sale.

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

- (a) a container used for the storage of petroleum and petroleum products, other than the tank of a vehicle;
- (b) the tank of a vehicle with a mass of 3,500 kilograms or more for purposes of propelling such vehicle.

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

Commencement and cessation of business under licence.

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

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

[Subsidiary]

Petroleum and Petroleum Products Regulations

- (a) seek the permission of the agency in writing within a reasonable period before the proposed date of closure detailing the reason(s) for the closure; or
- (b) in the case of an emergency the communication to the agency can be done within the first consecutive three (3) months of the closure.

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

Information to be submitted to Agency by licence-holder.

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

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

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

Second Schedule
Form PP/1

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

- (i) the type of petroleum and petroleum products sold;
- (ii) the quantity sold in kilolitres on a monthly basis; and
- (iii) the unit selling price per litre and all variations as they may occur.

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

Wholesale Licence

Application for
wholesale licence.
Second Schedule
Form PP/2

12. (1) A person desirous of conducting business as a wholesaler shall apply to the Agency for a wholesale licence in Form PP/2 in the Second Schedule, and shall lodge the application with the Agency together with any other documents or/records as may be required by these Regulations.

(2) An applicant shall lodge with the application for wholesale licence the following -

- (a) a certified copy of the applicant's identity document and, in the case of a non Caricom national, permanent residence permit or valid work permit;
- (b) if the applicant is a body corporate, a certified copy of its registration or incorporation documents;

- (c) a list of all retail outlets which at the time of the application the applicant intends to supply with petroleum and petroleum products;
- (d) a list of the ports of entry through which the petroleum and petroleum products will enter Guyana;
- (e) a list of all storage facilities the applicant intends to use including shared storage facilities, stating -
 - (i) the location of the storage facilities;
 - (ii) the type and capacity of the storage facilities for each type of petroleum and petroleum products;
 - (iii) the ownership of the storage facilities (including the ownership of the land on which the storage facilities are situated, if different) and, in the case of shared ownership, the basis of sharing;
 - (iv) the names of other wholesalers sharing the same storage facilities; if any;
- (f) if not a first time applicant, a tax

compliance certificate issued by the Guyana Revenue Authority;

- (g) a police clearance certificate, if the applicant is an individual;
- (h) in the case of storage facilities to be erected, approved plans, of buildings, road works, structures and plant, including the location thereof, and in the case of existing storage facilities, the as-built drawings of buildings, road works, structures and plant, including the location thereof;
- (i) a certified copy of an environmental permit and where an environmental impact assessment study has been conducted a certified copy of the document, setting out among other things, the outcome of the study;
- (j) proof of ownership of land or evidence of right to occupy same.

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

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

First Schedule

[Subsidiary]

*Petroleum and Petroleum Products Regulations*Grant an issue of
wholesale licence.

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

- (a) refuse the application stating the reasons therefore;
- (b) grant the application and issue a wholesale licence to the applicant subject to the general conditions set out in regulation 15(1) and such further special conditions as the Agency may determine in accordance with regulation 15(2);
- (c) grant the application and issue an importing wholesale licence to the applicant subject to the general conditions set put in regulation (15)

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

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

First Schedule

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

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Criteria for decisions relating to wholesale licence.

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

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

petroleum products.

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

Conditions of
wholesale licence.

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

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

- referred to in sub-paragraph (c) from a place other than from a dispensing point situated at the premises of the wholesaler;
- (e) shall obtain licences and permits as required under these Regulations or any other law prior to any import or wholesale sale of petroleum and petroleum products;
 - (f) shall import petroleum and petroleum products through the Agency;
 - (g) shall keep records and shall submit the information relating thereto to the Agency as may be required from time to time by the Agency under these Regulations;
 - (h) shall ensure that petroleum and petroleum products imported or distributed comply with approved specifications as made applicable under these Regulations;
 - (i) may only abandon storage facilities in accordance with these Regulations and any other law;
 - (j) shall pay all duties, levies and taxes to the Guyana Revenue Authority;
 - (k) shall inform the Agency in

writing, of any changes to be effected to storage facilities prior to effecting such changes;

- (l) shall immediately inform the Agency of any dangerous situation arising from the conduct of activities authorised under the licence, including the steps taken or proposed to be taken by the licence-holder to rectify the situation or to eliminate or minimise the danger arising from the situation;
- (m) an applicant for a licence may utilize any form in the Second Schedule with any necessary modification and pay the prescribed First Schedule fee in the First Schedule for a transportation licence for the vehicle, vessel or fuel barge before transporting bulk quantity of petroleum and petroleum products;
- (n) shall adhere to fair pricing and commercial practices and reasonable competition policies within the industry,
- (o) shall ensure that every vehicle or vessel is licensed to transport bulk petroleum and petroleum products before any fuel is discharged into the vehicle or vessel.

Second Schedule

First Schedule

- (p) shall display on the vehicle or vessel the signage issued by the Agency.

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

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

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

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

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

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

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

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

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

- (a) opening and closing petroleum and

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

locally -

- (i) the name and address of the seller;
 - (ii) the type of petroleum and petroleum products bought;
 - (iii) the quantity bought and price paid per litre of each type of petroleum and petroleum products.
- (d) in the case of petroleum and petroleum products sold locally-
- (i) the name and address of the buyer;
 - (ii) the type of petroleum and petroleum products sold;
 - (iii) the quantity sold in kilolitres and the selling price and variations, as they may occur on a monthly basis.
- (e) the total quantity of petroleum and petroleum products and their respective unit prices imported, specified according to the different petroleum and petroleum products and dated per shipment;
- (f) in the case of petroleum and

petroleum products imports, the source from where those products were obtained (the name of the seller);

- (g) all ports of entry used with regard to the import of petroleum and petroleum products;
- (h) the cost, insurance and freight (CIF) price of each type of petroleum and petroleum products referred to in subparagraph (d) at the date of import;
- (i) the selling price of each type of such products referred to in subparagraph (d) stating the price variations throughout the year dated per shipment;
- (j) a list of all storage facilities used, including shared storage facilities, with specific reference, according to different petroleum and petroleum products, to -
 - (i) the location of the storage facilities;
 - (ii) the capacity of the storage facilities;
 - (iii) the ownership of the storage facilities (including the ownership of the land on which the storage facilities

are situated, if different) and, in the case of shared ownership, the basis of sharing; and

- (iv) the names of other wholesalers sharing the same storage facilities.
- (k) retail outlets and consumer installations which it supplied, or which it discontinued to supply, with petroleum and petroleum products, specifying the name of the retail licence-holder, the number of the retail licence, the name of the retail outlet, the location of the retail outlet, and the total quantity of petroleum and petroleum products supplied to the retail outlet during the period specified according to the different petroleum and petroleum products;
- (1) any other person other than a person mentioned in subparagraph (k) to whom any petroleum and petroleum products were supplied, specifying the name and address of such person and the total quantity of petroleum and petroleum products supplied to such person during the period specified according to the different petroleum and petroleum products, and price per

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unit of each type of petroleum and petroleum products with the date of each such supply;

(m) any change of the information required under regulation 12 and Form PP/2 in the Second Schedule,

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

Consumer Installation Licence

No consumer installation without authorisation.

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

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

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

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

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

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

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

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

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

(2) An applicant shall attach these documents to the application for a consumer installation licence -

- (a) a certified copy of the applicant's identity document and, in the case of a non-Caricom citizen, a permanent residence permit or valid work permit.
- (b) if the applicant is a body corporate, a certified copy of its registration or incorporation documents;
- (c) proof that the applicant operates a commercial or industrial undertaking or mine or is a *bona fide* farmer;
- (d) if an environmental assessment study has been conducted, a certified copy of the document setting out the outcome of the

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study;

- (e) a police clearance certificate;
- (f) if not a first time applicant, a tax compliance certificate issued by the Guyana Revenue Authority;
- (g) approved plans, final design or construction drawings of all buildings, roadworks, structures and plant to be erected on the proposed premises, including the location of the proposed premises and a general layout plan, including a confirmation of meeting industry standards with respect to buildings, quantities and sizes of tanks, number of pumps, piping and materials;
- (h) any permits required for such facilities, including those of the Environmental Protection Agency, Guyana Fire Service, Guyana National Bureau of Standards and Central Housing and Planning Authority; and
- (i) proof of ownership of land or evidence of right to occupy same.

First Schedule

(3) An applicant for a consumer installation licence shall submit the First Schedule application together with the appropriate application fee stated in the First Schedule.

Grant, issue and

19. (1) The Agency shall consider an application

form of consumer installation licence. for a consumer installation licence and may -

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

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

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

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

Criteria for decisions relating to consumer installation licence.

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

- (a) the protection of the environment;
- (b) the record of compliance with the Act, these Regulations and any

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other law;

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

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

Conditions of
consumer
installation licence.

21. (1) The following general conditions apply to all consumer installation licences.

- (a) the licence-holder shall at all times comply with the Act, these Regulations and any other law,

including laws relating to labour, safety, hazardous substances, security, health and environment;

- (b) any petroleum and petroleum products purchased pursuant to the licence may only be used by the licence-holder for his own personal use with regard to owned or hired petrol or diesel consuming equipment or owned or hired vehicles or plant, and may not be resold;
- (c) the licence-holder shall only purchase the type of petroleum and petroleum products specified in the licence;
- (d) the licence-holder shall immediately inform the Agency of any dangerous situation arising from the conduct of activities authorised under the licence, including the steps taken or proposed to be taken by the licence-holder to rectify the situation or to eliminate or minimise the danger arising from the situation;
- (e) the licence-holder shall not permit another person to use the licence to purchase petroleum and petroleum products for a person other than the licence-holder;
- (f) the licence-holder shall keep such

records and submit the information to the Agency as are required by or under these Regulations;

(g) the licence-holder shall comply with all provisions of these Regulations relating to petroleum products spills; and

(h) the licence-holder may not abandon a site otherwise than in accordance with these Regulations.

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

(a) the reporting of dangerous situations or accidents;

(b) the preparation and submission to the Agency of assessments of the safety, health, environment and security risks associated with the activities authorised under the licence;

(c) the safe disposal of petroleum and petroleum products, including the collection and discarding of used oil;

(d) insurance against, or guarantee for, petroleum and petroleum product spills which insurance or guarantee covers the cost involved in the cleaning-up of

such spills.

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

Exemption.

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

Cessation of licence.

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

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

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

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

- (a) information the Agency may request regarding a dangerous situation existing at the licensed premises and remedial measures taken in respect thereof;
- (b) information the Agency may request regarding the site where a

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consumer installation is being operated by the licence-holder;

- (c) information the Agency may request in order to enable the Agency to effectively exercise its powers under these Regulations;
- (d) confirmation that the consumer installation concerned is still in operation.

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

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

General

Validity and duration of licence.

25. (1) A licence is valid from the date of issue and remains valid for one year. It is renewable on the anniversary of its issue upon a written request to the Agency for the renewal on the payment of the required fees, subject to compliance with the Act, these Regulations and any other law.

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

Ineligibility for licence.

26. The Agency may not issue a licence to a person who during the five years preceding the

application for the licence -

- (a) has been convicted of an offence under these Regulations, or is so convicted during the currency of the licence;
- (b) is not a Caricom national and is not lawfully resident in Guyana, or, in the case of a body corporate, is not registered in Guyana;
- (c) is or becomes an undischarged bankrupt;

Referral of applications.

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

Abandonment of premises.

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

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

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

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

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

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

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

Application for duplicate licence.

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

First Schedule

(2) The licence-holder shall pay the appropriate fee stated in the First Schedule when

applying to the Agency for a duplicate licence.

(3) The Agency may approve an application made under paragraph (2).

(4) The Agency shall issue a duplicate licence in the form of the original licence and shall mark clearly on the front "DUPLICATE".

Licence not transferable.

30. (1) A wholesale licence is not transferable,

(2) A retail licence is not transferable except by way of amendment of the licence under regulation 31.

(3) An import licence is not transferable.

(4) A storage licence is not transferable.

(5) A transportation vessel or vehicle licence is not transferable.

(6) A consumer installation licence is not transferable.

Amendment of licence.

31. (1) Where a licence-holder seeks to change the information on his licence he shall apply to the Agency for an amendment of the licence.

(2) If any such change of information relates

(a) to a change of the premises, the licence-holder must comply with regulation 28;

(b) in the case of a retail licence, to a change in the name of the operator, the licence holder shall

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supply the records required by regulation 5 (2) with regard to the proposed new operator, and the proposed new operator shall complete in so far as it is applicable and submit Form PP/1 in the Second Schedule, together with the application and fees for an amendment.

Second Schedule
Form PP/1

(3) The Agency may at the Agency's own initiative –

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

First Schedule

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

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

such amendment in writing inform the holder thereof of such amendment.

(6) The Agency may effect an amendment by

- (a) endorsement of the licence; or
- (b) notice in writing to the licence-holder.

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

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

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

- (a) cancel the licence; or
- (b) suspend the licence for such time as the Agency may deem appropriate.

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

- (a) the Agency has by written notice informed the licence-holder of the Agency's intention to cancel or suspend the licence –
 - (i) setting out the particulars of the alleged failure or

contravention; and

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

(b) the Agency has taken into account –

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

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

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

(5) A licence ceases to have effect if –

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

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

(c) the licence is cancelled.

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

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

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

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

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

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

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

(2) If a decision regarding the grant or issue of

a licence is not made within a period of sixty days after the lodging of an application, the Agency shall furnish to the applicant at the written request of the applicant with written reasons for the delay.

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

PART III

PROHIBITIONS, DUTIES, SPECIFICATIONS, STANDARDS, SAFETY AND ENVIRONMENT

Prohibitions

Falsely claiming to hold a licence.

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

Blending of petroleum and petroleum products.

36. (1) If the Agency has under regulation 41 applied an approved specification with regard to the composition of petroleum and petroleum products, a licence-holder may not sell such petroleum and petroleum products or a mixture or blend thereof if such petroleum and petroleum products or mixture or blend does not comply with the approved specification.

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

(3) The licence-holder shall apply for a written approval from the Agency for an additive referred to in paragraph (2). The application shall state –

- (a) chemical composition and trading name (if any) of the additive;
- (b) quantity of additive in parts per million (ppm or any other measurable unit) to be mixed with the stated petroleum and petroleum products; and
- (c) process to be used in identifying the additive.

(4) A person who contravenes, or fails to comply with the provisions of paragraph (1) commits an offence punishable on summary conviction under regulation 64 (b) and the court may revoke the licence.

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

General Duties

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

37. (1) A person shall take, in the storing, keeping, handling, conveying, using or disposing of any petroleum and petroleum products, such precautions and exercise such reasonable care in the circumstances in order -

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

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- (b) to prevent risk of environmental harm.

(2) A person shall dispose of petroleum and petroleum products at a place approved for the safekeeping or dumping thereof and in a manner that accords with good petroleum industry practices and the law.

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

Duty in relation to buildings, roadworks, structures and plant.

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

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

- (a) to avoid endangering the safety or health of a person, or the safety of a person's property; and
- (b) to prevent the risk of environmental harm.

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

Further duties in relation to plant.

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

(2) For the purposes of this regulation, a plant is in an environmentally sound condition if it does not give rise to a risk of environmental harm.

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

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

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

- (a) to avoid endangering the safety or

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Petroleum and Petroleum Products Regulations

health of any other person, or the safety of any person's property; and

- (b) to prevent the risk of significant environmental harm, whether during the performance of the work, or as a result of the performance of the work.

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

Duty with regard to correct measurements.

40. (1) A licence-holder or other person using a measuring instrument for trade in petroleum and petroleum products shall at all times ensure that –

- (a) such measuring instrument is correct and complies with standards set by the Guyana National Bureau of Standards and any law;
- (b) prices of petroleum and petroleum products are stated for quantities shown in metric measurements;

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

Specifications and Standards

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Petroleum and Petroleum Products Regulations

Approval of specifications and standards.

41. (1) The Agency may, by a reasonable period of notification served on a licence-holder or by notice in the *Gazette* or in a daily newspaper, apply, for the purposes of these Regulations, any specification or standard of the Guyana National Bureau of Standards, which specification or standard pertains to the handling, storage, distribution and composition of petroleum and petroleum products.

(2) The Agency may make an approved specification applicable to all licence-holders.

(3) The Agency shall –

(a) give notice in the *Gazette* or a daily newspaper of an approved specification by the Agency or the Guyana National Bureau of Standards and the place where and time when such specification may be inspected; and

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

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

Deviation from approved specification.

42. (1) The Agency may, upon application in writing, give a person written permission to deviate from the requirements of an approved specification in the specific circumstances mentioned in the application, if the Agency is satisfied that such

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Petroleum and Petroleum Products Regulations

deviation shall not detrimentally affect public safety or the environment.

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

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

Petroleum and
petroleum
products marker.

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

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

- (a) stable and soluble with deposit control additive packages;
- (b) stable and soluble in all motor fuels;
- (c) stable and soluble through the normal temperature ranges encountered in field storage of the product; and
- (d) harmless to the engine when introduced into the engine through either the fuel or lubricant.

(3) The Agency shall ensure that –

- (a) the marker and its analytical techniques provide appropriate information in the field and laboratory;
- (b) when the petroleum and petroleum products are properly marked it shall be difficult to analyse, identify or copy by unauthorised persons, unless through the use of the marker analytical methods peculiar to the given marker product;
- (c) the suppliers of the petroleum and petroleum products marker submit an acceptable data set to support the requirements of these Regulations;
- (d) the marker and its analytical technique maintains accurate results in the presence of background interference and matrix effects due to adulteration with other fuels, solvents, and other substances used as adulterants or additives.

(4) The Agency shall, subject to regulations 36 and 42, perform such tests as may be necessary to determine the presence of the marker in the petroleum and petroleum products and any further tests that may be necessary to determine whether the petroleum and petroleum products have been unlawfully imported, stored, possessed, offered for sale, blended or mixed with any substance that is not approved by the

Agency.

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

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

Storage tanks

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

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

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

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

Fire Precautions

L.R.O. 1/2012

General duty with regard to fires and explosions.

45. (1) A licence-holder shall –

- (a) ensure that all buildings, roadworks, structures and plant used in connection with petroleum and petroleum products are designed, constructed, equipped and maintained so as to prevent fires and explosions, and if any fire or explosion occurs to minimise the harmful effects of such fire and explosion;
- (b) take the necessary steps, including regular training, to ensure that personnel or employees involved in the handling of petroleum and petroleum products exercise caution regarding anything which may cause fires or explosions and that they comply with the provisions of these Regulations and any other law; and
- (c) cause any place, building, structure or plant where petroleum and petroleum products are handled or stored, to be suitably sign posted.

(2) A person shall not throw, leave or create an open or naked light, spark or flame or a burning or smouldering material at a place where petroleum and petroleum products are handled or stored.

- (3) A person shall not-
- (a) keep a vehicle running while petroleum and petroleum products are being dispensed into the tank of that vehicle;
 - (b) smoke in the forecourt of a retail outlet where petroleum and petroleum products are dispensed; or
 - (c) receive or make calls from, or keep active, cellular telephone or any other electronic communication apparatus-
 - (i) within fifteen metres from any dispensing pump or any other petroleum and petroleum products supply point;
 - (ii) within fifteen metres from a vehicle while petroleum and petroleum products are being discharged from such vehicle into an underground storage tank; and
 - (iii) within fifteen metres of venting pipe storage tank into which the petroleum and petroleum products are being received.
- (4) A licence-holder shall ensure that notices

pertaining to paragraphs (a), (b) and (c) are clearly written and signposted for easy viewing by the consumer or customer.

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

Fire precaution and emergency measures.

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

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

(3) A licence-holder shall prepare and keep on the premises a written fire emergency plan to deal with the outbreak of a fire.

(4) A licence-holder shall ensure that –

- (a) the plan provides suitable and adequate fire-fighting strategies showing all locations and types of fire-fighting equipment and setting out a plan of action and the tasks of employees in the event of a fire;
- (b) the plan includes provisions for the training of employees to deal with a fire emergency situation;

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Petroleum and Petroleum Products Regulations

- (c) the Agency and the Guyana Fire Service approve the plan and shall provide accurate copies to the employees working on the premises.

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

Petroleum and Petroleum Products Spill

Petroleum and
petroleum
products spill.

47. (1) A licence-holder or other person in control of activities conducted with regard to petroleum and petroleum products, immediately after a petroleum and petroleum products spill has occurred shall -

- (a) inform, Agency thereof; and
- (b) take the necessary steps that accord with good petroleum industry practices to clean up the petroleum and petroleum products spill.

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

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

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

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

**PART IV
MISCELLANEOUS**

Cost Recovery

Cost recovery in respect of incidents.

48. (1) This regulation applies to any incident –

- (a) constituting or arising from, whether wholly or in part, a petroleum and petroleum products spill or involving the risk of a petroleum and petroleum products spill; or
- (b) arising from the cleaning-up or

[Subsidiary]

Petroleum and Petroleum Products Regulations

restoring of premises.

(2) If a Ministry, Government department or institution, or a local democratic organ (hereafter called "the relevant authority") incurs costs or expenses as a result of the occurrence of an incident to which this regulation applies, the costs or expenses reasonably incurred by the relevant authority are recoverable as a debt in a court of competent jurisdiction by the relevant authority.

Inspectors

Exercise of powers
by inspectors.

49. (1) when exercising any power under this Part an inspector shall produce a photographic identification document signed by the Chief Executive Officer of the Agency, stating his full name and designation.

(2) An inspector may require an occupier of the premises, or a person in charge of a building, structure, plant or vehicle to assist him where necessary for the effective exercise of powers conferred on him by these Regulations.

Prohibition notices
by inspectors.

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

(2) An inspector shall -

- (a) identify the relevant place or activity giving rise to the danger or risk;

(b) state the grounds for the inspector's opinion.

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

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

Failure to comply with prohibition notice.

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

(a) after giving reasonable notice to the licence-holder or person in control of the premises, take the necessary measures to enter and take control of the premises; and

(b) do, or cause to be done, such things to effect proper compliance with the notice.

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

Action in certain situations.

52. (1) If the Agency agrees with an inspector who on reasonable grounds determines that a dangerous situation exists and that there is insufficient time to issue a notice under this Part, the inspector on the

authority of the Agency may, after giving such notice orally or in writing as may be reasonable in the circumstances, take the necessary action to avert, eliminate or minimise the danger or risk including the ordering of temporary suspension of activities until the danger or risks have been rectified.

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

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

Certain acts with regard to inspectors prohibited.

53. (1) A person shall not -

- (a) hinder or obstruct an inspector in the exercise of the powers conferred by these Regulations;
- (b) use abusive, threatening or insulting language to an inspector:
- (c) refuse or fail to comply with a lawful requirement, direction or notice of an inspector.

- (d) when required by an inspector to answer a question, refuse or fail to answer the question to the best of the person's knowledge, information and belief; or
- (e) falsely represent, by words or conduct, that he is an inspector.

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

Information and Records

Supply of false or misleading information.

54. (1) A person shall not furnish false or misleading information, or make any false or misleading statement knowing that the information or statement is false or misleading, in connection with an application, statement, record or other document submitted to the Agency under these Regulations.

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

Information and Records

Register and information to be kept by Agency.

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

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

- (a) the name and address of every

licence-holder;

- (b) the licence number and date of issue and the period of validity;
- (c) the type of licence;
- (d) the premises;

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

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

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

Particulars of
dealings with

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

petroleum and
petroleum
products.

- (a) a person who conducts, or has conducted, or is or was concerned in, or has or had any interest in, a business involving or related to petroleum and petroleum products; or
- (b) the person's agent or employee, who has or had duties, or provides or provided services in connection with petroleum and petroleum products, to furnish in writing, within the time specified in the notice or in the further time the Agency may allow, information in respect of those petroleum and petroleum products specified in the notice, not being information relating to any time after the date of the requirement.

Service of notices.

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

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

- (i) to the chief officer of the body corporate; or
- (ii) by dispatching it by pre-paid registered post, addressed to the body corporate or its chief officer, at its registered office.

(2) Any notice, document or other communication referred to in paragraph (1) which was delivered in the manner contemplated in paragraph (1)(b) or (1)(c)(ii) is deemed, unless the contrary is proved, to have been received by the person to whom it was addressed at the time when it would, in the ordinary course of post, have arrived at the place to which it was addressed.

Contravention of or failure to comply with notice.

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

General

Confidentiality.

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

- (a) if authorised by or under the Act;
- (b) with the consent of the person from whom the information was obtained or to whom the information relates; or

- (c) for the purpose of any legal proceeding arising out of the administration or enforcement of the Act or other law provided that the disclosure shall not cause unfair competition.

Immunity from personal liability.

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

Evidence.

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

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

[Subsidiary]

*Petroleum and Petroleum Products Regulations*Illegal petroleum
and petroleum
products.**62.** [Omitted]

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

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

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

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

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

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

Penalties.

64. A person found guilty of an offence under

these Regulations shall, on conviction, be liable to -

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

Fines.

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

- (a) a fine of \$600,000;
- (b) a fine of \$300,000;

(2) The court may on convicting a licence-holder cancel his licence in a case of serious or repeated breaches of these Regulations.

(3) Where fines remain unpaid, the Agency may refuse to grant or renew a licence.

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

FIRST SCHEDULE

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

SECOND SCHEDULE

FORM PP/1
GUYANA ENERGY AGENCY
PETROLEUM AND PETROLEUM PRODUCTS
REGULATIONS
APPLICATION FOR RETAIL LICENCE

(Regulation 4 (1))

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

1. Full name of applicant.....

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

2. Postal Address.....

3. Physical Address.....

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

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

6. E-mail (if any)

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

(*Delete which is not applicable)

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

Full Name.....

Position:

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

.....

(Delete which is not applicable)

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

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

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

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

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

13. Name of supplying wholesaler.....

14. Physical location of proposed retail outlet (if physical location is not readily available, GPS reading

may be provided).....

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

16. If applicant is not owner of proposed retail outlet, provide name and address of owner(s)
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17. The details of all activities to be undertaken under the retail licence (including services to be provided at the proposed retail outlet), facilities to be provided, and buildings, structures and plant to be used or erected.....
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(If necessary, attach separate list)

18. Has an environmental impact assessment study been conducted?

Yes No

19. Does applicant already hold a retail licence under the Regulations? If yes, provide retail licence numbers) and attach a certified copy of retail licence(s) to the application.

Answers must be provided hereunder.

Holder of other licences Yes No
Licence Numbers)

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Declaration

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

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.....0000000000000000.....

Signature

(day/month/year)

LAWS OF GUYANA

119

Cap. 56:04

Guyana Energy Agency

[Subsidiary]

Petroleum and Petroleum Products Regulations

.....
Name in Block Letters

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

L.R.O. 1/2012

FORM PP/2

GUYANA ENERGY AGENCY

regs. 12(1), 15(1)m, 16(2)m, 62

PETROLEUM AND PETROLEUM PRODUCTS REGULATIONS 2004

APPLICATION FOR WHOLESALE LICENCE

(Regulations 12 (1), 16)

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

1. Full name of Applicant

.....

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

2. Postal Address.....

3. Physical Address.....

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

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

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

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

.....

(*Delete which is not applicable)

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

Full Name:

Position:

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

(* Delete which is not applicable)

9. In the case of a body corporate or partnership, full details of all directors, nature of shareholding/interest, other partners or members, as the case may be, must be provided as set out in Form PP/2A and must be attached to this application.

Nature of shareholding/interest (including percentage of Guyanese shareholding/interes).....
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10. Address of registered office in Guyana.

[Subsidiary]

Petroleum and Petroleum Products Regulations

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

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12. The details of all activities to be undertaken under the wholesale licence (including import and distribution in Guyana and details of petroleum products intended to be imported and distributed)

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(If necessary, attach separate list)

13. Has an environmental impact assessment study been conducted?

Yes No

Declaration

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

.....
.....

Signature

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

.....
Name in Block Letters

**APPLICATION FOR CONSUMER
INSTALLATION LICENCE**

(Regulation 4 (1))

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

1. Full name of Applicant

.....

..

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

.....

2. Postal Address

.....

3. Physical Address

.....

4. Telephone No. (including code)

.....

5. Facsimile No. (including code)

.....

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

7. ID No./Passport No/Permanent Residence

No./Work permit No./Registration No. of body corporate*

.....

.....
(*Delete which is not applicable)

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

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

9. Indicate type of consumer installation

(i) Petrol

(ii) Diesel

(iii) Other (Specify)

(*Delete whichever is not applicable)

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

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

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

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

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

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14. Has an environmental impact assessment study been conducted?

Yes No

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

Holder of other Licences Yes No

List type of Licence and Number

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

Commercial/Industrial Undertaking

Other (specify).....

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

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

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

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

Declaration

I,

hereby declare that I am not subject to any of the disqualifications as set out in regulation

[Subsidiary]

Petroleum and Petroleum Products Regulations

26 and that the information submitted by me in this application is true and correct.

.....
.....

Signature

Date

Date
(day/month/year)

.....
Name in Block Letters
