

REPUBLIC OF RWANDA



RWANDA UTILITIES REGULATORY AGENCY

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**LIQUEFIED PETROLEUM GAS REGULATIONS
ADOPTED BY THE
REGULATORY BOARD
OF
RWANDA UTILITIES REGULATORY AGENCY – (RURA)**

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LIQUEFIED PETROLEUM GAS REGULATIONS

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SECTION ONE – CITATION AND DEFINITIONS

1. Citation

These Regulations may be cited as the Liquefied Petroleum Gas (LPG) Regulations.

2. Definitions

In these Regulations, unless the context otherwise requires,

“Branded Cylinder Owner” means a licensed person who has introduced cylinders, bearing his brand name or trade mark, into the market through his network of wholesalers, retailers and distributors

“Bulk LPG” means LPG contained in a receptacle of a capacity exceeding eighty kilograms

“License” means a legal instrument issued by the Regulator granting rights and obligations of the LPG business operator

“Licensee” means the holder of a license issued under these Regulations

“Liquefied Petroleum Gas” means commercial propane, commercial butane or mixture thereof as specified in the RS 580.

“LPG” means liquefied petroleum gas

“LPG Storage” means the storing of LPG in premises consisting of one or more tanks in transit for sale or consumer use

“Minister” and **“Ministry”** mean respectively the Minister and the Ministry of Trade and Industry

“Permit” means an instrument issued by the Regulator granting rights to perform specific LPG business operations

“Premises” includes any installation on land or vehicle storing LPG

“Retail in LPG” means a form of distribution of LPG by which the LPG is customarily sold to consumers other than for the purpose of resale.

“Regulatory Authority” means the Rwanda Utilities Regulatory Agency

“Rwanda Bureau of Standards” means the national institution in charge of standards development as established by Law No 43/2006

“**RS**” means Rwanda Standard which is the specification or code of practice declared by the Rwanda Bureau of Standards

“**Standard LPG Cylinder**” means an LPG cylinder whose characteristics are consistent with the RS 401:2009

“**Unified Valve**” means the valve specified in the RS 578

“**Wholesale Trade**” means a form of distribution of LPG by which LPG is customarily sold for the purpose of resale

SECTION TWO – LICENSES FOR LPG BUSINESS

3. License for LPG business

- (1) No person shall conduct a business of importation, transportation, supply, storage, distribution, wholesale and retail sale and sale to industrial consumers of LPG and related activities except under and in accordance with the terms and conditions of license granted by the Regulatory Authority under these Regulations.
- (2) Any person who contravenes paragraph (1) commits an offence and shall on conviction be liable to a fine not exceeding Rwanda Francs One million (Rwf 1,000,000).
- (3) A person desirous of obtaining or renewing a license under these regulations shall make an application to the Regulatory Authority in the manner prescribed by these regulations by filling LPG Form 1 prescribed in the Schedule I to these Regulations.
The Application fee for any type of License is Rwanda Francs Thirty Five thousand (Rwf 35,000).
- (4) An application for renewal of license shall be made at least 2 months before the date of expiry of the current license in the manner prescribed by sub-section (3) of these Regulations.
- (5) The Regulatory Authority shall approve or decline an application for grant of license within thirty days of application. Where application is declined, the reasons shall also be given to the applicant in writing.
- (6) The license granted under paragraph (4) shall be in form “LPG Form 2” prescribed in the Schedule II.
- (7) A license under these Regulations shall be valid for a period not exceeding 1 year in the case of importation, wholesale, retail and transportation, and not exceeding 2 years in the case of construction of LPG storage and filling facilities.

(8) Each type of LPG license shall be issued subject to such terms and conditions as the Regulatory Authority shall specify, which shall include but not to limited submission of the following-

- a. Proof of Certificate of business registration
- b. Proof of premises ownership
- c. LPG supply agreement with a licensed importer or wholesaler
- d. Other conditions as shall be listed in LPG Form 1

(9) The Regulatory Authority may suspend or revoke a license where the licensee contravenes the terms and conditions of issue.

4. Powers of Inspection

- (1) The Regulatory Authority or any person acting on its behalf may inspect any vehicle, premises, facility or installation suspected of being engaged in the business of importation, transportation, supply, storage, distribution, wholesale and retail sale of LPG for the purpose of ascertaining whether the provisions of these Regulations are being observed, and, in the case of contravention, may give such directions to the owner, occupier, driver or person in charge of such vehicle, premises, facility or installation as it considers necessary.
- (2) Where the Regulatory Authority calls upon a licensee, by a notice in writing, to execute any repairs to the licensed premises, which may, in the opinion of the Regulatory Authority, be necessary, the licensee shall execute the repairs within such period as may be fixed by the notice. The Licensee will have the right to address, within five working days counted from the day the notice is received by the Licensee, its concerns regarding the time fixed by the Regulatory Authority and the latter will analyze the relevance and take necessary decision.
- (3) A person who resists, hinders or obstructs the Regulatory Authority or any person acting on its behalf in the course of his duty under the provisions of paragraph (1) commits an offence and shall, on conviction, be liable to a fine not exceeding Rwanda Francs One million (Rwf 1,000,000) for each day or part thereof that the obstruction occurs.

- (4) A person who refuses to obey any order lawfully given under the provisions of paragraphs (1) and (2) commits an offence and shall be liable, on conviction, to pay a fine not exceeding Rwanda Francs One million (Rwf 1,000,000) for each day or part thereof that the offence continues.
- (5) In any case where the person who contravenes the provisions of paragraphs (1) and (2) is licensed under these Regulations, the Regulatory Authority may suspend or revoke his license.

5. Reporting of Accidents and Fires

- (1) Any accident involving LPG or the transportation of LPG which causes injury to employees, property damage, or injury to other persons or an accidental release of LPG and any fire in which LPG is directly or indirectly involved shall be reported by a licensee in writing to the Regulatory Authority as soon as possible but not later than 48 hours.
- (2) A person who contravenes the provisions of paragraph (1) commits an offence and shall be liable, on conviction, to pay a fine not exceeding Rwanda Francs two hundred thousand (Rwf 200,000) for each day or part thereof that the offence continues.
- (3) In any case where the person who contravenes the provisions of paragraph (1) is licensed under these Regulations, the Regulatory Authority may suspend or revoke his license.

6. Saving in Case of armed forces

Nothing in these Regulations shall apply to LPG imported, exported, kept, stored or transported by the armed forces or specialized departments of the Government of Rwanda as long as these operations are directly linked with the Rwanda national security. The above mentioned specialized departments should seek authorization from the Ministry of Trade and Industry and the Ministry having Energy in its portfolio.

However, armed forces or other specialized departments should comply with RS 575—2 as regards LPG transportation in order to care for public safety.

SECTION THREE – IMPORTATION OF LPG

7. License to Import LPG

- (1) A person shall not conduct a business of importation of LPG into Rwanda except under and in accordance with the terms and conditions of a valid license issued by the Regulatory Authority.
- (2) A person desirous of obtaining a license under this part shall make an application to the Regulatory Authority in the Form LPG No.1 and such application shall be accompanied by a declaration to adhere and conform to the specifications contained in Rwanda Standards;
- (3) A license to import LPG shall be in the Form LPG No.2. The LPG Importation License fee will be Rwanda Francs Five Hundred Thousand (Rwf 500,000).
- (4) No person shall import LPG into Rwanda unless the vehicle used meets the requirements of RS 573 and RS 579 and where no national standard exists, the relevant international standards approved by the Rwanda Bureau of Standards.
- (5) A person who contravenes paragraphs (2) and (4) commits an offence and shall, on conviction, be liable to a fine not exceeding Rwanda Francs One million (Rwf 1,000,000).
- (6) In any case where the person who contravenes the provisions of paragraphs (2) and (4) is licensed under these Regulations; the Regulatory Authority may suspend or revoke his license.

SECTION FOUR: BULK LPG STORAGE

8. License for Bulk Storage

- (1) A person shall not operate a bulk LPG storage facility except in accordance with the terms and conditions of a valid license for bulk LPG storage issued by the Regulatory Authority.
- (2) A license shall not be necessary for bulk storage of LPG for non-commercial use in quantities not exceeding eighty kilograms provided that such bulk LPG storage shall be contained in secure cylinders that conform to RS 569 on Refillable welded steel gas cylinders and RS 575—3 & RS 575—4 on Handling, Storage and Distribution of LPG in Domestic, Commercial and Industrial Installations.
- (3) A licensee shall not conduct a business of bulk LPG storage in any building constructed of inflammable material.
- (4) A licensee shall not offer hospitality, release or otherwise part with possession of bulk LPG to a person unless such person has a valid bulk storage license or an official permission from the Ministry having internal security in its portfolio.
- (5) A person desirous of obtaining a license for bulk LPG storage shall make an application to the Regulatory Authority in Form LPG No.1 accompanied by :
 - (a) An Environmental Impact Assessment Certificate issued by RDB;
 - (b) Proof that the facility complies with the Rwanda Building Control Regulations, 2009;
 - (c) A copy of approved drawings in accordance with the local authorities requirements with specifications and plans indicating :
 - i. The facility to be licensed, giving particulars of the materials and construction
 - ii. The position of the facility in relation to adjoining property including distances from neighboring buildings
 - iii. The position and capacity of all tanks, storage sheds, filling plant, the position of all buildings, structures or other works within the installation in which LPG is to be stored
 - iv. All lighting arrangements including the position of electric cables, switches, and fuse boxes, draining system, water connections, fire hydrants and firefighting appliances, and any other precision that may be specified by the Regulatory Authority.

- (6) A licensee shall not alter the licensed facility or the method of bulk LPG storage shown in the license or specifications and plan submitted without prior approval by the Regulatory Authority.
- (7) A license for bulk storage of LPG shall be in the Form LPG No.2. The LPG Bulk Storage Operation License fee will be Rwanda Francs Five Hundred Thousand (Rwf 500,000).

SECTION FIVE: LPG CYLINDER FILLING AND DISTRIBUTION

9. License for LPG Cylinder Filling

- (1) A person shall not fill LPG into cylinders except in accordance with terms and conditions of a valid license issued for LPG Filling by the Regulatory Authority.
- (2) A licensee shall at all times ensure that LPG is contained in a secure cylinder that conforms to RS 569, RS 570, RS 571, RS 572, RS 574 and RS 576.
- (3) The standard capacities of cylinders for filling with LPG shall be as specified in the RS 569 & RS 570 and the cylinders shall be fitted with unified valves.
- (4) A person shall not with effect from the date of signature of these regulations import into Rwanda or manufacture an LPG cylinder that does not meet the standard capacities and fitted with unified valves.
- (5) The Regulatory Authority shall not allow any cylinder not in the categories specified in paragraph (2) to be filled with LPG after the date that will be agreed upon between the Regulatory Authority after consultation and consent of the Ministry having energy in its portfolio.
- (6) A person shall not alter the branding, deface, damage, repair or submit for maintenance an LPG cylinder without written authorization of the brand owner. On the other hand, any faulty or defective cylinder shall be returned back to the “cylinder brand owner”.
- (7) A person conducting a business of wholesale trade in LPG in cylinders shall require a license for LPG Wholesale business and shall not buy or sell LPG in cylinders from an unlicensed person. The LPG Wholesale Trade License fee will be Rwanda Francs Two Hundred Seventy thousand (Rwf 270,000).
- (8) A person shall not conduct a business of retail in LPG in cylinders except in accordance with terms and conditions of a valid license issued for LPG Retail by the Regulatory Authority.
- (9) Application for LPG Retail business shall be accompanied by :-
 - (a) A copy of approved drawings for the premises for appraisal by the Regulatory Authority;
 - (b) A copy of a valid supply agreement with a person licensed to undertake wholesale business in LPG.

- (10) A person licensed to conduct a business of Retail in LPG in cylinders shall not purchase LPG in cylinders from an unlicensed person.
- (11) A person dealing with LPG cylinders in a retail outlet shall not store the cylinders in a non-closed area.
- (12) Every retailer selling LPG shall have a properly calibrated weighing machine for verification of the net contents of LPG cylinders.
- (13) No Person shall be permitted to transport LPG filled in cylinders unless the person is licensed for LPG transportation and has an agreement with a licensed LPG supplier.
- (14) The LPG Retail License fee will be Rwanda Francs Two hundred thousand (Rwf 200,000).
- (15) Disposal of LPG Cylinders shall conform to RS 577.

SECTION SIX: LPG TRANSPORTATION

10. LPG Transportation License

(1) A person shall not transport LPG both in bulk and in cylinders, except in accordance with terms and conditions of valid LPG Transportation license issued by the Regulatory Authority.

(2) The provision shall not apply to LPG in a private vehicle transported by a consumer in standard capacity cylinder not exceeding an aggregate quantity as specified in the RS 575-1, or as may be determined by the Regulatory Authority, based on the quality and standards of equipment, infrastructure, safety risks and threats, etc

(3) An application for LPG Transportation License shall be accompanied by :-

- (a) A valid vehicle inspection report
- (b) A licensee shall not transport in his vehicle LPG from an unlicensed person, or load from an unlicensed storage, or offload from his vehicle to a person not licensed under these regulations
- (c) A person shall not drive a vehicle or engage a driver for the transporting LPG unless the driver:
 - i. Has valid driving license
 - ii. In case of a bulk LPG transportation vehicles he has driven that class of vehicle for a minimum of three years, and for LPG in cylinders has driven that class of vehicle for a minimum of two years
 - iii. Is certified in accordance with Section Eight of these regulations
 - iv. Has attended a prescribed basic training course providing appropriate knowledge of LPG, defensive driving and emergency preparedness
 - v. Is of optimal health and fitness.

(4) The LPG Transportation and Distribution License fee will be Rwanda Francs Three and Fifty Thousand (Rwf 350,000). For the Transportation License or Distribution operations alone, the License fee will be Rwanda Francs Two Hundred Thousand (Rwf 200,000).

(5) A special license should be granted to the operator involved in more than one LPG operations (Importation, Bulk Storage, Transportation, Distribution, Wholesale and Retail), the License fee will be Rwanda Francs One million (Rwf 1,000,000).

SECTION SEVEN: LPG FACILITIES CONSTRUCTION PERMITS

11. LPG Construction Permits

- (1) Any person intending to construct an LPG facility (bulk storage, filling plant, and pipeline) shall, before commencing such construction, apply in writing to the Regulatory Authority for a permit to do so.
- (2) The application under sub-section (1) shall:
 - (a) Specify the name and address of the proposed owner
 - (b) Attach a copy (or copies) of appropriate LPG business licenses issued under 3 (1), where applicable
 - (c) Be accompanied by the appropriate number of copies of plans and specifications for that class of facility
- (3) The Regulatory Authority shall consider every application received and shall if satisfied that the applicant meets prescribed requirements, grant to the applicant within fifteen days, the permit to construct the LPG facility.
- (4) The permit may be subject to such conditions as may be prescribed by the Regulatory Authority.
- (5) Before issuing a permit, the Regulatory Authority shall take into account all relevant factors, including but not limited to the following:
 - (a) Relevant Government policies and regulations;
 - (b) Compliance with environmental management and safety codes and standards including an environmental impact assessment and proposal to mitigate any impacts identified and occupational health and safety procedures;
 - (c) Relevant standards and measurements;
 - (d) The financial capability of the applicant and the methods of financing the proposed facility; and
- (6) Any other matter in the opinion of the Regulatory Authority that may be affected by the granting or the refusal of the permit being sought, including but not limited to the size and use of land, including access to roads or highways.

- (7) A permit shall contain such terms and conditions as the Regulatory Authority may deem appropriate, including but not limited to:
- (a) Duration of the permit;
 - (b) Persons authorized to execute the works;
 - (c) Area in which the works shall be executed; and
 - (d) Conditions to be satisfied before the commencement of the works.
- (8) Where the Regulatory Authority refuses to grant a permit under sub-section (3) he shall notify the applicant of such refusal in writing specifying reasons thereof, within a period not exceeding fifteen days.
- (9) The LPG Construction Permit fee will be Rwanda Francs One million (Rwf 1,000,000).

12. Suspension or Revocation of a Construction Permit

- (1) Subject to sub-section (2) below, the Regulatory Authority may suspend or revoke a construction permit if any term or condition thereof has not been complied with within the prescribed period.
- (2) Where the Regulatory Authority intends to revoke or suspend a permit it shall at least within twenty days before the date on intended revocation or suspension, notify the holder of the permit of such intention, specifying the reasons thereof.
- (3) The Regulatory Authority may in writing reinstate the permit suspended or revoked in sub-section (1) of this article if satisfied that the reasons for suspension or revocation no longer exist.

SECTION EIGHT: LPG SKILLS CERTIFICATION

13. Skills to be certified

- (1) Persons engaged in construction, installation or maintenance of LPG facilities, equipment and appliances shall require a certificate issued by the Regulatory Authority or its appointed agent.
- (2) The certification will ensure that the person certified under paragraph (1) above has the necessary qualifications, LPG knowledge and skills to undertake LPG works.
- (3) Drivers undertaking LPG transportation shall be certified by the Regulatory Authority or an agent appointed by the Ministry to fulfill the conditions listed in Section Six above.

SECTION NINE: OPERATIONAL DETAILS AND SPECIFICATION DETAILS NOT INDICATED IN THE PRESENT REGULATIONS AND IN THE ADOPTED RWANDA STANDARDS

- (1) The Regulatory Authority may decide on additional technical and operational requirements, if it is realized that such additional requirements are critical for safety reasons or for the smooth and good service delivery in the LPG industry;
- (2) The Regulatory Authority shall be responsible to provide any details that are meant to bring the operators and the consumers at fully understanding and complying with the National LPG Standards and Regulations.

SECTION TEN: VALIDITY OF THESE REGULATIONS

- (1) The present Regulations shall take effect from the date of their signature;
- (2) These Regulations shall be amended following the adoption of the Downstream Petroleum Policy and Law.

Dated the 07th day of May, 2012

(Sé)

Eugène KAZIGE

Chairperson

SCHEDULE I

FORM: LPG No. I (Regulation 3(3))

APPLICATION FORM FOR LPG BUSINESS LICENSE

(To conduct a business of importation, transportation, supply, storage, distribution, wholesale and retail sale)

1. Name of business / Applicant.
2. Details of applicant:
 - (a) Business Registration
 - (b) Income Tax Personal Identification Number(s)
 - (c) Postal address
 - (d) Location of business premises

Plot No..... Building Name.....

Street/Market

Town/District

3. Give full details of proprietors or partners owning business or directors/shareholders of the Company, as the case may be.

<i>Name</i>	<i>Nationality (Where applicable No. of shares held)</i>
.....
.....
.....
.....

..... *(Any additional information should be submitted on separate sheets of papers)*

4. Full description of the business for which the license is required

.....
.....

5. Indicate the number and date of issue of any license previously held under these Regulations

.....
.....

6. State if you are or any of your partners/directors is a discharged bankrupt. (If so indicate the names).

.....
.....

7. (a) Has any previous application for a license been rejected under these Regulations? (If so, give details)

.....
.....

(b) Has any previous license been cancelled under these Regulations?

8. Certified copies of the following documents should be submitted with the application for a license—

(i) if the applicant is a Rwandan , a copy of both sides of ID card or if a non Rwandan current work permit together with copies of pages 1 and 5 of the passport;

(ii) relevant entry permit(s) for non citizens;

(iii) either copies of business name registration certificate or certificate of Incorporation and memorandum and articles of association in case of a company (whichever is applicable);

(iv) lease agreement or letter from landlord confirming tenancy;

(v) TIN certificate;

(vi) applicable documents specified under these regulations;

(vii) The specific documents required for each type of LPG license under the regulations.

9. A person who wishes to renew his license shall only submit a photocopy of the current license

DECLARATION

1. I/We have read and understood the Regulations and agree to abide with them
2. I/We hereby certify that the information given above is to my/our knowledge true and accurate.
3. I/We understand that it is an offence to give false information in an application for a license.
4. I/we understand that I/We should conduct an honest LPG business...
5. I/We hereby confirm that our („company/Business shall abide by the above terms and conditions with regard to importation and marketing of LPG in Rwanda.

I/We also understand conditions.

Name of Company

Name and ID of Person signing

The Declaration:

Designation and telephone No.....

Signature & Stamp.....

Date.....

FOR OFFICIAL USE ONLY

1. Date application received:
2. Date of meeting of LPG Licensing Committee:
3. Decision of LPG Licensing Committee

Members present:

Signature

1.....

2.....

3.....

4.....

(a) If the application is deferred or rejected, date of letter advising applicant accordingly.

.....

4. Date of review of application

Decision of Committee

Members present:

Signature

1

2

3

4

5. License details

Number

Date issued

Expiry date

SCHEDULE II

FORM: LPG No. 2 (Regulation 3(5))

LPG BUSINESS LICENSE

License is hereby granted to

Of P.O. Box..... to carry on the following

LPG business.....

On premises situated at Plot No:

Building.....

Street/ Market

Town/District

This license expires on:

Dated

Signature

(SEAL)

Director General

Dated: the day of.....2012