

STATUTORY INSTRUMENTS SUPPLEMENT

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S T A T U T O R Y I N S T R U M E N T S

2020 No. 145.

THE NATIONAL ENVIRONMENT (OIL SPILL PREVENTION,
PREPAREDNESS AND RESPONSE) REGULATIONS, 2020

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STATUTORY INSTRUMENTS

2020 No. 145.

The National Environment (Oil Spill Prevention, Preparedness and Response) Regulations, 2020.

*(Under sections 93 and 179 of the National Environment Act, 2019.
Act No. 5 of 2019)*

IN EXERCISE of the powers conferred upon the Minister by sections 93 and 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 27th day of January, 2020.

PART I—PRELIMINARY

1. Title

These Regulations may be cited as the National Environment (Oil Spill Prevention, Preparedness and Response) Regulations, 2020.

2. Application

These Regulations apply to activities that may lead to oil spill, including—

- (a) petroleum activities under the Petroleum (Exploration, Development and Production) Act, 2013, midstream operations under the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013 and activities under the Petroleum Supply Act, 2003;
- (b) any other generation, storage, transportation, distribution, use or disposal of petroleum products and used oil; and
- (c) any other activity that may result in an oil spill incident.

3. Interpretation

In these Regulations, unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“Authority” means the National Environment Management Authority established under the Act;

“Competent National Authority” means the Petroleum Authority of Uganda designated by section 93(3) of the Act, for the implementation of the National Oil Spill Contingency Plan;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

“facility” means any plant, structure, group of structures, equipment, device, infrastructure or other associated installation which is used for exploration, drilling, production, storage, handling, transmission, processing, transportation or distribution of oil, and includes any motor vehicle or other vessels, rolling stock or pipeline used for one or more of these purposes;

“lead agency” means a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;

“oil” means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products including gasoline, jet fuel and kerosene;

“oil spill” means above or underground release of oil from a facility or activity into or upon the environment and any of its components;

“petroleum” means—

- (a) any naturally occurring hydrocarbons, whether in gaseous, liquid or solid state;
- (b) any naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) any naturally occurring mixture of one or more hydrocarbons, whether in a gaseous, liquid or solid state and any other substances; and includes any petroleum as defined by paragraph (a), (b) or this paragraph that has been returned to a natural reservoir,

but does not include coal, shale or any substance that may be extracted from coal or shale;

“project” means the execution of construction or renovation work or other developments, installations, schemes, activities or other interventions in the natural surroundings and landscape which may have an impact on human health and the environment.

4. Responsibility of Authority

The Authority shall, in accordance with the Act and these Regulations—

- (a) liaise with the Office of the Prime Minister, the Competent National Authority and any other relevant lead agency to ensure that there is adequate national oil spill planning, preparedness and response measures and systems;
- (b) liaise with the Office of the Prime Minister, the Competent National Authority and other relevant lead agencies to undertake investigations relating to the cause of an oil spill and to monitor the recovery of the environment from oil spills;
- (c) provide advice on environmental matters to the National Emergency Coordination and Operations Centre;

- (d) provide guidance on environmental phenomena that may have changed due to an oil spill;
- (e) liaise with the Office of the Prime Minister, the Competent National Authority and other relevant lead agencies to map available sources of oil spill response equipment and ensure the establishment of vital oil spill response equipment hubs at strategic areas to facilitate rapid response;
- (f) liaise with lead agencies with a responsibility for oil spill prevention, preparedness and response under their respective sectors; and
- (g) audit and monitor oil spill prevention, preparedness and response systems established in accordance with the Act and these Regulations.

PART II—OIL SPILL PREVENTION

5. Duty to prevent oil spill

(1) The following persons have a duty to prevent an oil spill—

- (a) a licensee under the Petroleum (Exploration Development and Production) Act, 2013 or the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013;
- (b) a licensee under the Petroleum Supply Act, 2003;
- (c) a person who owns or operates an oil storage, processing or distribution facility not covered under paragraph (a) or (b); and
- (d) a waste handler under the Petroleum (Waste Management) Regulations, 2019 or the National Environment (Waste Management) Regulations, 2020.

(2) Notwithstanding subregulation (1), the Authority may require any other person to be responsible for prevention of an oil spill.

(3) The person referred to under subregulation (1) or (2) shall ensure that any person carrying out work on their behalf, either personally or as an employee, contractor or subcontractor, prevents oil spill.

(4) The persons responsible under this regulation are liable for harm caused to human health or the environment, regardless of fault.

6. Measures to prevent oil spills

The person referred to in regulation 5 shall—

- (a) put in place measures to prevent oil spill as outlined in the environmental risk assessment referred to in regulation 13, including by use of best available techniques and best environmental practices;
- (b) establish a system for tracking the volume or quantities of oil at their facility or used during an activity; and
- (c) establish operating procedures for the prevention of oil spills.

PART III—OIL SPILL PREPAREDNESS

Oil Spill Preparedness and Response System

7. Duty to establish an oil spill preparedness and response system

(1) The person referred to in regulation 5(1) shall establish an oil spill preparedness and response system in accordance with section 89 of the Act and these Regulations.

(2) Notwithstanding subregulation (1), the Authority may require any other person whose activity is referred to in regulation 5(2) to establish and maintain an oil spill preparedness and response system.

8. Oil spill preparedness and response system by lead agencies

Notwithstanding regulation 7, a lead agency shall, in accordance with section 92(1) of the Act, establish and maintain an oil spill preparedness and response system for minor incidents of oil spill which fall within the description of tier 1 oil spills referred to in regulation 12 that may occur or cause damage to human health or the environment within its jurisdiction.

9. Oil spill preparedness and response cooperation

The Competent National Authority may, where it deems necessary, direct a person referred to in regulation 7 to have membership with suitable tier 3 oil spill equipment service providers that can mobilise equipment into Uganda within the shortest time possible after the occurrence of an oil spill.

10. Information for local government and local community

(1) The person referred to under regulation 7 shall provide to the local government and local community where the facility is located or an activity is being undertaken—

- (a) the name and location of the facility or operation likely to occasion an oil spill;
- (b) the position and details of a contact person from whom information may be obtained;
- (c) a general description of oil spill risks posed by the operation of a facility or activity;
- (d) the means by which the local community will be informed of a major oil spill occurring; and
- (e) the actions, as specified in the oil spill contingency plan, that members of the local community should take if an oil spill occurs.

(2) The information provided under subregulation (1) shall—

- (a) be set out and expressed in a way that is readily accessible and understandable to persons who are not familiar with the facility and its operations; and
- (b) be reviewed and as necessary, revised if a modification is made to the facility.

11. Context of oil spill preparedness and response system

(1) The oil spill preparedness and response system referred to in these Regulations shall be outlined in a contingency plan and shall be based on—

- (a) an environmental risk assessment undertaken in accordance with section 114(2) of the Act and regulation 13;
- (b) a contingency analysis undertaken in accordance with regulation 15;
- (c) the tier structure for oil spill preparedness and response outlined in regulation 12; and
- (d) best petroleum industry practice, in the case of a person referred to in regulation 7.

(2) The oil spill preparedness and response system shall form part of the overall emergency preparedness and response system of the person referred to in regulation 7 or lead agency referred to in regulation 8.

(3) For the purposes of this regulation, “best petroleum industry practices” means the use of what is accepted to be the best available practices that are generally accepted as good, safe, transparent and efficient in the management of an oil spill and that can be applied globally under similar circumstances.

Tier Structure for Oil Spill Preparedness and Response.

12. The tier structure for oil spill preparedness and response

The tier structure for oil spill preparedness response shall include—

- (a) tier 1 for oil spills—
 - (i) arising from disruptions in routine operations that typically result in small quantities of oil being spilled within the confines of a facility or operation; and
 - (ii) having a relatively minor impact;

- (b) tier 2 for oil spills that may—
 - (i) arise due to an oil spill moving beyond the geographic remit of any local tier 1;
 - (ii) grow in scale and severity such that a tier 1 capability is overwhelmed;
 - (iii) arise as a result of the increase in scale and severity of a tier 1 event;
 - (iv) potentially be needed as a precautionary measure;
 - (v) that occur in sensitive areas, protected areas and fragile eco systems;
 - (v) have been initially classified as tier 3, but as the situation develops it becomes clear that a tier 2 capability is sufficient; or
 - (vi) result from a major event where tier 2 capability is mobilised prior to the arrival of tier 3 resources; and

- (b) tier 3 for oil spills—
 - (i) arising where the scale and likelihood of the oil spill may cause major consequences, including potential transboundary impacts; and
 - (ii) require substantial further resources from a range of national and international sources.

Environmental Risk Assessment

13. Environmental risk assessments

(1) A person required to have an oil spill preparedness and response system under regulation 7 or regulation 8 shall undertake an environmental risk assessment.

(2) The environmental risk assessment undertaken under subregulation (1) shall take into account—

- (a) the location of a facility or operations;
- (b) the nature of operations;
- (c) the likelihood of occurrence of an oil spill;
- (d) the potential volume of oil release and discharge rates;
- (e) the oil type and behaviour of the oil once spilled, including by spread or weathering;
- (f) the prevailing environmental conditions;
- (g) the sensitivity of the environment;
- (h) the exposure and vulnerability of communities neighbouring the oil facilities;
- (i) the likely impact of an oil spill on land use of adjacent areas; and
- (j) other likely consequences of an oil spill and proposed mitigation measures.

(3) An environmental risk assessment shall, in accordance with section 114(3) of the Act, include—

- (a) hazard identification;
- (b) vulnerability analysis;
- (c) risk analysis; and
- (d) scenarios for the oil spill contingency analysis and proposed response action.

(4) The response action referred under subregulation (3)(d) shall include proposed mechanical and non-mechanical response tactics.

(5) An environmental risk assessment shall take into account the provisions of the Act and —

- (a) the Occupational Safety and Health Act, 2006;
- (b) the National Environment (Environmental and Social Assessment) Regulations, 2020;
- (c) the Petroleum (Exploration, Development and Production) (Health, Safety and Environment) Regulations, 2016;
- (d) the Petroleum (Refining, Conversion, Transmission and Midstream Storage) (Health, Safety and Environment) Regulations, 2016; and
- (e) any other applicable law.

14. Submission and update of the environmental risk assessment

(1) The person required to undertake an environmental risk assessment in accordance with these Regulations, shall submit a hard copy and an electronic copy of a complete environmental risk assessment report to the Authority and the relevant lead agency, upon request.

(2) After the initial environmental risk assessment, the person required to undertake the environmental risk assessment shall, regularly or whenever need arises, conduct subsequent environmental risk assessments or update the initial environmental risk assessment.

(3) The Authority may require a person referred to under regulation 13(1) to submit an environmental risk assessment as part of an environmental and social impact statement provided for under section 114(1) of the Act and regulation 18(5) of the National Environment (Environmental and Social Assessment) Regulations, 2020.

Oil Spill Contingency Analysis

15. Oil spill contingency analysis

(1) The person required to undertake an environmental risk assessment under regulation 13 shall use the environmental risk assessment to undertake an oil spill contingency analysis.

(2) The oil spill contingency analysis undertaken under this regulation shall include—

- (a) scenario assessment for hazards and risks defined in the environmental risk assessment;
- (b) response analysis for the scenarios;
- (c) response requirements, including equipment, human resource capabilities, training, drills and exercises, cooperation and agreements with other oil spill responders;
- (d) an evaluation of performance requirements for the oil spill preparedness and response;
- (e) recommendations for oil spill preparedness and response measures; and
- (f) any other relevant information.

Oil Spill Contingency Plan

16. Oil spill contingency plan

(1) The person required to establish an oil spill preparedness and response system under regulation 7 or 8 shall prepare an oil spill contingency plan, based on the results of the environmental risk assessment and oil spill contingency analysis undertaken in accordance with these Regulations.

(2) The oil spill contingency plan referred to in subregulation (1) shall contain, as applicable—

- (a) the name, address and job title of the owner or person responsible for the management or control of the facility or operations;
- (b) alert, notification, mobilisation and demobilisation procedures;
- (c) a description of the response command structure, including the job title and 24-hour telephone number of the persons responsible for the oil spill contingency plan;
- (d) response operational procedures and response tactics;
- (e) health, safety and security plan;
- (f) facility information, including a description of the location, size and storage capacity of the facility;
- (g) maps, nautical charts, site layout, process and instrumentation diagrams, drawings and photographs, including a site map of the facility, as appropriate;
- (h) amount, characterisation and properties of oil normally handled at the facility;
- (i) counter measures to contain, clean up and mitigate the effects of an oil spill;
- (j) identification of areas and activities which may be impacted by the identified oil spill scenarios;
- (k) a description of spill containment and drainage control structures and equipment for oil storage and handling facilities;
- (l) a description of the oil spill response strategy identified for the various scenarios;
- (m) an inventory of the resources available for oil spill response operations, including equipment, supplies and services;

- (n) actions that members of the community should take in the event of an oil spill;
- (o) training, drills and exercise programme;
- (p) procedures for external assistance;
- (q) waste management strategy and procedures;
- (r) procedures for post spill assessment, aftercare and monitoring of the affected environment; and
- (s) any other information that may be deemed necessary.

17. Submission of oil spill contingency plan

(1) The person required to establish an oil spill preparedness and response system under regulation 7 or regulation 8 shall, within 3 months before commencement of operations of a project, submit an oil spill contingency plan to the Authority and the Competent National Authority for review and comment.

(2) The person referred to under subregulation (1) may, in submitting the oil spill contingency plan and with detailed analysis of non-mechanical response tactical options, seek approval of the Authority for use of appropriate non-mechanical response tactics indicated in the contingency plan.

18. Consultations on the oil spill contingency plan

(1) The Authority shall, within seven days of receipt of the oil spill contingency plan submitted in accordance with regulation 17, transmit the oil spill contingency plan to the relevant lead agency for review and comment.

(2) The Competent National Authority receiving a copy of the oil spill contingency plan under regulation 17(1) and the lead agency consulted under subregulation (1) shall review the oil spill contingency plan—

- (a) to assess whether it complies with the Act, any other applicable law and the National Oil Spill Contingency Plan;
- (b) to gauge the extent to which the possible risks or hazards have been identified and evaluated in accordance with the environmental risk assessment undertaken in accordance with regulation 13;
- (c) to assess the feasibility, appropriateness and adequacy of the proposed oil spill prevention, preparedness and response mechanisms;
- (d) to advise on the feasibility, appropriateness and adequacy of specific mechanical and non-mechanical response tactical tactics; and
- (e) to take into account any other factors that may be deemed necessary.

(3) The Competent National Authority and the lead agency referred to under subregulation (2), shall submit comments to the Authority within twenty one days of receipt of the oil spill contingency plan or such lesser period as the Authority may specify in writing.

19. Action of the Authority on receipt of comments

- (1) The Authority shall—
 - (a) make comments on the oil spill contingency plan, taking into account the factors referred to in subregulation 18(2);
 - (b) consolidate the comments and recommendations obtained from consultations with the Competent National Authority and a relevant lead agency under regulation 18;
 - (c) transmit the comments to the person required to establish an oil spill preparedness and response system under regulation 7 or regulation 8; and
 - (d) advise on recommended and required actions.

(2) The Authority may, in consultation with the Competent National Authority and any other relevant lead agency, grant prior authorisation of appropriate non-mechanical response tactics requested under regulation 17(2), after consideration of the advice given under regulation 18(2).

20. Finalisation of oil spill contingency plan

The person required to establish an oil spill preparedness and response system under these Regulations shall, in finalising an oil spill contingency plan, take into account and incorporate the comments, recommendations and required actions made under regulation 19.

21. Implementation and review of an oil spill contingency plan

The person responsible for preparing an oil spill contingency plan shall—

- (a) ensure that the oil spill contingency plan is implemented and maintained; and
- (b) review the plan every two years or such other shorter period determined by—
 - (i) the environmental risk assessment and oil spill contingency analysis undertaken in accordance with regulation 13 and 15, respectively;
 - (ii) training, drills and exercises for oil spill preparedness and response;
 - (iii) the findings of an audit undertaken in accordance with the National Environment (Audit) Regulations, 2020;
 - (iv) an oil spill response incident; or
 - (v) the Authority or the Competent National Authority.

22. Health, safety and security plan

(1) The health, safety and security plan referred to under regulation 16(2)(e) shall comply with the Occupational Safety and Health Act, 2006 and any other applicable law, to ensure the health,

safety and security of persons involved in the response operations, including persons and property likely to be affected by the oil spill.

(2) The health, safety and security plan shall, as a minimum contain—

- (a) a description of the health, safety and security response command structure, including address, job title and 24-hour telephone contact of the person responsible for the health, safety and security plan;
- (b) operational safety procedures, including safety zones and access control;
- (c) procedures for hazard assessment for personnel involved in oil spill response operation;
- (d) procedures for exposure monitoring and environmental sampling;
- (e) requirements for personal protective equipment;
- (f) requirements of security of persons and property;
- (g) an instruction manual;
- (h) decontamination procedures;
- (i) a plan for evacuation; and
- (j) arrangements for first aid and medical services.

23. Oil spill response strategy

(1) The oil spill response strategy referred to in regulation 16(2)(1) shall be designed to achieve specific response objectives and include incident specific tactics to be used to minimise risk of harm to human health and the environment.

(2) The response strategy referred to in subregulation (1) shall be based on the environmental risk assessment and the oil spill contingency analysis and shall cover the duration of a response, taking into account measures for—

- (a) control of the oil spill at source;
- (b) activation of appropriate response as close to the source of the spill as possible to avoid oil spread;
- (c) recovery of the spilled oil by mechanical or biological means or other methods approved by the Authority in consultation with the Competent National Authority;
- (d) use of incident specific environmental and social impact assessments, environmental risk assessments, net environment benefit analysis or any other analysis as a tool for decision making;
- (e) the protection of human life and assuring safety;
- (f) the prevention and minimisation of harm to the environment;
- (g) the protection of cultural and natural heritage;
- (h) consideration of social and economic impacts of the oil spill;
- (i) site clean-up, remediation and restoration;
- (j) waste minimisation and management;
- (k) continuous monitoring and surveillance of the oil spill and response operations, including post oil spill monitoring;
- (l) communication, including communication protocols; and
- (m) handling of any other issues deemed necessary.

(3) The resources required to implement the oil spill response strategies shall be identified in accordance with the oil spill contingency plan and measures taken to ensure resource availability within the specified timeframes.

(4) Response strategies shall be evaluated through the planning process, training, drills, exercises and records.

24. Waste management strategy

The waste management strategy referred to in regulation 16(2)(q) shall be in accordance with the Act, the National Environment (Waste Management) Regulations, 2020, the Petroleum (Waste Management) Regulations, 2019 and shall contain—

- (a) a list of potential waste sources, types and quantities;
- (b) waste management measures, including waste recovery and recycling opportunities;
- (c) a logistics chain for handling of waste;
- (d) a list of available resources, including appointed waste handlers, facilities, equipment, personnel and the level of training of clean-up crews; and
- (e) any other relevant information.

25. Procedures for post spill assessment, aftercare and monitoring of areas affected by oil spill

The procedures for post spill assessment, aftercare and monitoring of areas affected by an oil spill referred to in regulation 16(2)(r) shall include—

- (a) a description of the affected area, the process of post spill assessment, aftercare and monitoring;
- (b) a plan for monitoring of impacts and effects of the oil spill, including a plan for continuous assessment and monitoring of ecosystem recovery and restoration of impacted areas;
- (c) a plan for the management of probable residual oil;
- (d) a plan for the assessment and management of residual risks related to land use after the oil spill;
- (e) reference to existing restoration or monitoring requirements, standards, protocols and guidelines; and
- (f) any other factors that may be deemed necessary.

26. Notification of oil spills

(1) A person required to have an oil spill preparedness and response system, shall, where an oil spill to the magnitude of at least 5 barrels or equivalent occurs or where there is imminent threat of an oil spill, immediately and in any case not later than 30 minutes of occurrence or known threat of occurrence of an oil spill, notify the Competent National Authority and the relevant local government by telephone or any other convenient means of communication.

(2) Where there is an oil spill emanating from petroleum supply operations and other operations or facilities not covered by the Petroleum (Exploration, Development and Production) Act, 2013 or the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013, the person referred under subregulation (1) shall notify the relevant lead agency.

(3) The person referred to in subregulation (1) shall, within twenty four hours of an oil spill, send a subsequent notification to the Competent National Authority or in the case of an oil spill emanating from operations or facilities referred to in subregulation (2), to the lead agency referred to in regulation 41(1).

(4) The notification referred to in subregulation (3) shall be in the format set out in Schedule 2 to these Regulations.

(5) The person referred to in subregulation (1) shall not delay notification by reason of undertaking initial oil spill response actions or confirming full details of the oil spill.

(6) Notwithstanding subregulation (1), any other person who discovers an oil spill or an imminent threat of oil spill shall, within twenty four hours of an oil spill or discovery of imminent threat, notify the police and where possible, the Competent National Authority.

(7) Where the police is notified under subregulation (6), they shall, within twenty four hours of receipt of notification, transmit the information to the Competent National Authority, the lead agency referred to in regulation 41(1) in events under regulation 26(2) and the relevant local government.

(8) Where the Competent National Authority or lead agency is notified under this regulation, it shall immediately evaluate the potential of the oil spill and as appropriate, where assistance is required to respond to an oil spill—

- (a) in the case of the Competent National Authority, notify the Office of the Prime Minister, the Authority and any other relevant authority; or
- (b) in the case of a lead agency referred to in regulation 41(1), notify the Authority.

27. Oil spill status updates

(1) The person required to have an oil spill preparedness and response system shall send an update to the Competent National Authority or lead agency referred to in regulation 41(1) in events under regulation 26(2), where—

- (a) information given in the initial notification is not accurate or is incomplete;
- (b) new information about an oil spill becomes available; or
- (c) regular updates of the status of the oil spill are necessary.

(2) The person referred to in subregulation (1) shall in addition, in respect to oil spills on water bodies, send frequent updates in intervals of not more than one hour, to the Competent National Authority or the lead agency referred to in regulation 41(1) regarding estimates of the oil spill volumes, including the volume of oil at immediate risk of spilling.

28. Activation of response to an oil spill

(1) When an oil spill occurs, the person responsible for the oil spill preparedness and response system shall immediately activate the response in accordance with the Act, these Regulations and the oil spill contingency plan prepared under regulation 16.

(2) The person referred to in subregulation (1) shall, in activating the response, apply the response tactics in regulation 30 and—

- (a) notify the Competent National Authority or the lead agency referred to in regulation 41(1) in accordance with regulation 26;
- (b) determine the volume and type of oil spilled;
- (c) immediately contain or stop the continuation of the flow of the oil spill, as appropriate;
- (d) develop an incident action plan;
- (e) mobilise resources, including external assistance and where applicable, resources from service providers referred to in regulation 29;
- (f) track, monitor and carry out surveillance of the oil spill;
- (g) carry out oil spill modelling;
- (h) initiate clean-up, remediation and restoration operations on land and water bodies;
- (i) initiate waste management, including decontamination of equipment and personal protective equipment;
- (j) coordinate with the Competent National Authority or the lead agency referred to in regulation 41(1), including a local government; and
- (k) keep appropriate records in accordance with regulation 33.

(3) During an oil spill response operation led by a lead agency, the lead agency may request a person required to have an oil spill preparedness and response system under regulation 7 to provide assistance, including response resources.

29. Mobilisation of resources in an oil spill response

The Authority, Competent National Authority or the lead agency referred to in regulation 41(1) may direct a person required to have an oil spill preparedness and response system under regulation 7 to mobilise resources and equipment required for an oil spill response from service providers in the shortest time possible.

(2) The person required to have an oil spill preparedness and response system under regulation 7 shall, where external assistance is sought, put in place measures to ensure seamless integration of material resources, operational processes, and personnel from different organisations, to respond to the oil spill.

30. Response tactics

(1) During an oil spill response operation, the responsible persons shall use mechanical response as the primary oil spill response tactic, in accordance with these Regulations and the National Oil Spill Contingency Plan.

(2) Where the person responsible for an oil spill response wishes to use non-mechanical response as a secondary oil spill response tactic, that person shall before using the choice non-mechanical response means—

- (a) obtain prior authorisation as part of the contingency planning under regulation 19(2); and
- (b) obtain written approval of the Authority.

(3) On receipt of a request for approval of use of non-mechanical response means referred to under subregulation (2)(b), the Authority shall immediately consult the Competent National Authority and in the case of an oil spill emanating from petroleum supply operations and other operations or facilities not covered by the Petroleum (Exploration, Development and Production) Act, 2013 or the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013, the lead agency referred to in regulation 41(1).

(4) The Authority may, after the consultations referred to in subregulation (3), approve the use of non-mechanical response means for an oil spill.

(5) The decision of the Authority taken after consultations under subregulation (4), shall be made and communicated within twenty four hours of the request.

(6) Use of dispersants to respond to an oil spill in the waters or other environment of Uganda is prohibited except as the last and only viable option and in exceptional circumstances determined by the Authority in consultation with the Competent National Authority and other relevant lead agency.

(7) In determining whether use of dispersants should be permitted under subregulation (6), the Authority shall satisfy itself that—

- (a) the dispersant is not globally banned;
- (b) the dispersant is appropriate for use on freshwater resources; and
- (b) the dispersant poses no significant harm to human health or the environment.

(8) The decision of the Authority made under subregulation (7) does not absolve the person who uses the dispersant from liability in the event of harm to human health, freshwater resources or other environment.

(9) The use of dispersants under these Regulations shall be in accordance with guidelines developed by the Authority in consultation with the Competent National Authority and any other relevant lead agency.

31. Management of waste under response operations

A person required to have an oil spill preparedness and response system shall ensure that waste generated during oil spill response

operations is managed in accordance with the Act, the Petroleum (Waste Management) Regulations, 2019, the National Environment (Waste Management) Regulations, 2020 and the waste management strategy established under regulation 16(2)(q) and regulation 24.

32. Health, safety and security during an oil spill response

A person responsible for an oil spill preparedness and response system shall ensure that health, safety and security matters during the response operations are handled in accordance with the Act, the Occupational Safety and Health Act, 2006, the Petroleum (Exploration, Development and Production) (Health, Safety and Environment) Regulations, 2016, the Petroleum (Refining, Conversion, Transmission and Midstream Storage) (Health, Safety and Environment) Regulations, 2016, the health, safety and security plan referred to under regulation 16(2)(e) and regulation 22.

33. Record keeping

(1) A person required to have an oil spill preparedness and response system shall ensure that records of all response operations are documented and maintained, including—

- (a) oil spill response operation log;
- (b) minutes of meetings;
- (c) extent of harm to human health or damage to the environment and property;
- (d) amount of oil recovered;
- (e) response methods used;
- (f) the type and amount of waste generated and how it is managed;
- (g) list of response resources, including personnel and equipment used;
- (h) injuries and fatalities;
- (i) external assistance, if any; and
- (j) post spill assessment, aftercare and monitoring of areas affected by an oil spill.

(2) The records, including electronic records, kept under subrégulation (1) shall be made available to the Office of the Prime Minister, the Competent National Authority, the Authority and a relevant lead agency upon request.

34. Final report after oil spill response operations

(1) A person required to have an oil spill preparedness and response system shall prepare a final report after the closure of oil spill response operations.

(2) The report referred to in subrégulation (1) shall contain—

- (a) the name and address of the person responsible for the oil spill;
- (b) the nature of activities or operations;
- (c) the date and time of the oil spill;
- (d) the cause of the oil spill, if known;
- (e) the location of the oil spill;
- (f) the geographical extent of the oil spill;
- (g) the type and quantity of oil spilled;
- (h) the root cause analysis of the oil spill;
- (i) a description of the organisation of the response, including the command structure and personnel involved in the management and control of the oil spill;
- (j) the response actions taken to contain, recover and clean-up the oil spill;
- (k) measures taken to manage waste;
- (l) the impact of oil spill on human health, the environment and socio-economic activities;

- (m) planned actions for post oil spill management, including measures taken to prevent re-occurrence of an oil spill;
- (n) aftercare plan and plans for monitoring the affected environment up to the point when it is as near as possible to its original state;
- (o) lessons learned from the oil spill and a description of efficiency of the response measures taken; and
- (p) any other information that may be deemed necessary.

(3) A person referred to in subregulation (1) shall, within thirty days from the date of closure of the oil spill response operations or such other period as the Authority, Competent National Authority or the lead agency referred to in regulation 41(1) shall authorise, submit a hard and electronic copy of the report to the Authority, Competent National Authority and the lead agency referred to in regulation 41(1) for review and appropriate action.

(4) The Authority, Competent National Authority or the lead agency referred to in regulation 41(1) shall submit hard and electronic copies of the reports submitted to it under subregulation (3) to the Office of the Prime Minister, upon request.

35. Post spill assessment, aftercare and monitoring

(1) A person required to have an oil spill preparedness and response system shall, after closure of the oil spill response operations, carry out a post spill assessment, aftercare and monitoring in accordance with the regulation 16(2)(r) or as required by the Authority, the Competent National Authority or any other relevant lead agency.

(2) The Competent National Authority or the lead agency referred to in regulation 41(1) may, in consultation with the Authority, commission an independent investigation into the oil spill.

36. The National Oil Spill Contingency Plan

The National Oil Spill Contingency Plan established under section 93 of the Act shall establish a coordination mechanism for preparedness and response to oil spills by the licensees, lead agencies and other stakeholders and provide for—

- (a) emergency operating procedures for oil spill response;
- (b) measures for the protection of human health and the environment in the event of an oil spill;
- (c) management of impacts of oil spills, including clean-up, restoration, rehabilitation and safe demobilisation of response actions;
- (c) regional and international collaboration on oil spill preparedness and response;
- (d) establishment of a mechanism for handling removed oil or hazardous substances and oil spill waste;
- (e) notification procedures to licensees, lead agencies and relevant stakeholders involved in oil spill preparedness and response;
- (f) a programme for training, drills and exercises;
- (g) its monitoring and review; and
- (h) other measures deemed necessary.

37. Government oil spill response operations

(1) The Competent National Authority may, in accordance with section 93(4) of the Act, determine whether the Government should take over the command of an oil spill response operation.

(2) The Competent National Authority shall, in determining whether the Government should take over the command of an oil spill response operation, evaluate the situation and consider—

- (a) the source and magnitude of the spill;
- (b) the characteristic and properties of the oil;
- (c) the likely impact of the oil spill on human health and the environment;
- (d) the nature, ecosystem importance and vulnerability of the receiving environment, including protected areas, cultural and natural sites, world heritage sites and Ramsar sites;
- (e) the spread and drift of the oil spill;
- (f) public or national interests, including national security;
- (g) potential impacts on socio-economic infrastructure and livelihoods;
- (h) the requirement for regional or international support;
- (i) the ability and capacity of the person responsible for tier 1 oil spills;
- (j) the likelihood of transboundary impact;
- (k) the need for regional or international assistance; and
- (l) any other issues that the Competent National Authority may deem necessary.

(3) Where the Competent National Authority determines that Government shall take over the command of an oil spill operation under subregulation (1), the Competent National Authority shall communicate to the Office of the Prime Minister.

(4) The Office of the Prime Minister shall ensure that the National Emergency Coordination and Operations Centre referred to in regulation 40 immediately activates the national oil spill response under the National Oil Spill Contingency Plan.

(5) The Office of the Prime Minister may, in consultation with the Competent National Authority during an event of oil spill, require a person with a duty to establish an emergency response system or a lead agency, to provide assistance, including equipment and personnel, to respond to the oil spill.

(6) Where Government involvement in oil spill response is required, whether to take over the command of an oil spill response operation or to provide assistance, the Government shall ensure that adequate oil spill response resources can be mobilised to respond and may—

- (a) require resources belonging to operators and local governments to be available; and
- (b) request regional and international assistance to manage the impacts that are perceived to be wide-reaching, and of national or international significance.

(7) Where Government takes over an oil spill response operation, post spill monitoring shall be done by the Competent National Authority in cooperation with the Authority, the lead agency referred to in regulation 41(1) and the Office of the Prime Minister.

(8) For purposes of this regulation, a “Ramsar site” means a wetland of international significance in terms of ecology, botany, zoology, limnology or hydrology under the Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1975).

Institutional Arrangement

38. The functions of the Office of the Prime Minister

(1) The Office of the Prime Minister shall, in accordance with the Act and these Regulations—

- (a) coordinate the implementation of the National Oil Spill Contingency Plan;

- (b) coordinate the development of lead agency emergency preparedness and response plans;
- (c) be responsible for the operational coordination of national oil spill response:
- (d) ensure that the National Emergency Coordination and Operations Centre is able to perform its functions under these Regulations and the National Oil Spill Contingency Plan;
- (e) coordinate the development of national incident action plans;
- (f) coordinate the strengthening of national capacity to prevent, control, combat and mitigate oil spills and related impacts;
- (g) establish a mechanism to monitor and assist or, where expedient, direct the response, including the capability to mobilise the necessary resources to save human life, protect the environment, and clean-up to the best practical extent, the impacted environment;
- (h) mobilise resources for national oil spill preparedness and response, including coordinating matters relating to clearance of equipment and immigration services;
- (i) establish adequate procedures for, and request regional and international support for national oil spill preparedness and response; and
- (j) convene regular meetings with relevant stakeholders for oil spill planning and preparedness.

(2) The mechanism to be established by the Office of the Prime Minister under subregulation (1)(g) may include—

- (a) procedures for management of claims and compensations, and for recovery of costs of an oil spill and response operations; and

- (b) strategies to enable persons impacted by an oil spill to claim remedies from the person responsible for the oil spill.

(3) The Office of the Prime Minister may, in accordance with applicable law, give such direction to any lead agency as may be necessary for national oil spill preparedness and response.

(4) The Office of the Prime Minister shall, in the performance of its functions under these Regulations and the National Oil Spill Contingency Plan, collaborate with the Competent National Authority, the Authority and relevant lead agencies.

39. The function of the Competent National Authority

(1) The Competent National Authority designated under section 93(3) of the Act and referred to in these Regulations shall—

- (a) in liaison with the Office of the Prime Minister and the Authority, be responsible for national oil spill prevention, preparedness and response;
- (b) establish specific standard operating procedures for the management of oil spill incident response where the Government takes over the management of the oil spill response or provides assistance;
- (c) ensure the timeliness and operability of the National Oil Spill Contingency Plan;
- (d) receive notification of oil spills, evaluate the potential of the oil spill and notify the Office of the Prime Minister, the Authority and relevant lead agency;
- (e) in liaison with National Emergency Coordination and Operation Centre—
 - (i) provide guidelines and programmes for oil spill training, drills and exercises;

- (ii) carry out regular oil spill training, drills and exercises to ensure oil spill preparedness and response in accordance with Part VI;
 - (iii) provide support for research and development on methods, materials and equipment for oil spill detection and response; and
 - (iv) cooperate with other national, regional and international organisations in the promotion and exchange of results of research and development relevant to oil spill preparedness and response.
- (e) determine and propose vital oil spill response equipment at most strategic areas for rapid response;
 - (f) establish reporting and notification procedure; and
 - (g) in consultation with the Office of the Prime Minister, provide guidance for claims and compensation to persons affected by an oil spill.

(2) Where the Competent National Authority receives frequent updates regarding oil spills on water bodies in accordance with regulation 27(2), it shall immediately notify the Office of the Prime Minister, the Authority and relevant lead agency for collaborative response action.

(3) The Competent National Authority shall, in the performance of its functions under these Regulations and the National Oil Spill Contingency Plan, liaise with the office of the Prime Minister, the Authority and relevant lead agencies.

40. The functions of the National Emergency Coordination and Operations Centre

(1) The National Emergency Coordination and Operations Centre under the Office of the Prime Minister shall provide the Incident Command Structure for national oil spill preparedness and response.

(2) The National Emergency Coordination and Operations Centre shall, in collaboration with the Authority and the Competent National Authority, be responsible for—

- (a) the command of a national oil spill response in accordance with regulation 37(4), including coordinating national oil spill response activities in accordance with the Act and these Regulations;
- (b) establishing the Incident Command Structure for national oil spill response;
- (c) developing, implementing and evaluating a national oil spill incident action plan;
- (d) adequate preparation of the Centre for oil spill response, including by training, drills and exercises;
- (e) ensuring efficient utilisation of available response resources and the functioning of response equipment;
- (f) undertaking surveillance, reporting, alerting and other response activities related to oil spills; and
- (g) determining when the response is complete, and for demobilising the response operations.

(3) The National Emergency Coordination and Operations Centre shall participate in training, drills and exercises organised by the Competent National Authority in accordance with Part VI.

(4) The Office of the Prime Minister shall, during oil spill response operations, ensure that the Competent National Authority, the Authority and relevant lead agencies and operators form part of the incident command structure in the National Emergency Coordination and Operations Centre.

(5) The Office of the Prime Minister may co-opt any institution, agency or individuals with expertise, competence and other capabilities relevant to national oil spill preparedness and response.

41. Functions of the lead agency responsible for petroleum supply operations

(1) The lead agency responsible for the petroleum supply operations under the Petroleum Supply Act, 2003 or operations and facilities relating to oil storage, processing or distribution not covered by the Petroleum (Exploration, Development and Production) Act, 2013 or the Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013 shall, for the respective sector—

- (a) put in place mechanisms for oil spill prevention, preparedness and response;
- (b) liaise with licensees and operators to establish specific standard operating procedures for the management of oil spill incidents by the petroleum supply operations;
- (c) receive notification of oil spills from petroleum supply operations or other operations and facilities not covered by the laws referred to in subregulation (1), evaluate the extent of the oil spill and notify the Competent National Authority National and the Authority, as appropriate;
- (d) collaborate with the Authority and the Competent National Authority—
 - (i) to develop guidelines and programmes for oil spill response training, drills and exercises for the petroleum supply sector or other operations and facilities referred to under this regulation;
 - (ii) to ensure that the sector carries out regular oil spill response training, drills and exercises to ensure readiness for oil spill preparedness and response in accordance with Part VI; and
 - (iii) to carry out other activities as may be deemed necessary for oil spill prevention, preparedness and response by the sector;

- (e) take any other measure for oil spill prevention, preparedness and response required of a lead agency under the Act, these Regulations and any other applicable law.

(2) The lead agency referred to under subregulation (1) shall for the purpose of responding to tier 3 oil spills from the sector, inform the Competent National Authority and the Authority of the gravity of the oil spill and the need for national oil spill response.

(3) On receipt of the information referred to in subregulation (2), the Competent National Authority may, in consultation with the Authority, request the Office of the Prime Minister to take over command of the oil spill response operations in accordance with these Regulations.

PART VI—OIL SPILL PREPAREDNESS AND RESPONSE TRAINING, DRILLS AND EXERCISES

42. Oil spill preparedness and response training

(1) The person required to have an oil spill preparedness and response system, the Competent National Authority and the lead agency referred to in regulation 41(1), shall ensure that personnel that may be involved in an oil spill response operation are trained and are competent.

(2) The training referred to in subregulation (1) shall be appropriate to the responsibility assigned in the oil spill contingency plan to ensure that the personnel are able to conduct oil spill response operations in an efficient and timely manner.

(3) The training under this regulation shall be designed to ensure a high level of preparedness and to build competence.

(4) The person required to have an oil spill preparedness and response system shall, before the 31st January of each year, submit to the Competent National Authority an annual training programme.

(5) The Competent National Authority or the lead agency referred to in regulation 41(1) may, in collaboration with the Authority, require the person required to have an oil spill preparedness and response system to allow authorised persons to take part in the trainings conducted under this regulation.

(6) The Office of the Prime Minister shall, in collaboration with the Authority, Competent National Authority and the lead agency referred to in regulation 41(1), organise training programmes for their respective employees and the employees of lead agencies that will form part of the incident command structure referred to in regulation 40(4).

43. Oil spill preparedness and response drills and exercises

(1) The person required to have an oil spill preparedness and response system shall develop a programme for oil spill preparedness and response drills and exercises in accordance with the oil spill contingency plan prepared under regulation 16.

(2) The Competent National Authority and the lead agency referred to in regulation 41(1) shall, in accordance with the National Oil Spill Contingency Plan referred to in regulation 36 and in consultation with the Authority, develop a programme for oil spill preparedness and response drills and exercises.

(3) The programmes developed under subregulations (1) and (2) shall include—

- (a) planning drills;
- (b) table-top exercises;
- (c) notification exercises, conducted at least once every twelve months;
- (d) equipment mobilisation drills;
- (e) incident control drills, conducted to simulate different aspects of an oil spill incident; and

- (f) full scale oil spill response exercises, including mobilisation of resources.

(4) The person referred to in subregulation (1), the Competent National Authority and the lead agency referred to in regulation 41(1)—

- (i) may conduct any of the drills and exercises in subregulation (3) as may be necessary; and
- (ii) shall ensure that any drills and exercises conducted under this regulation are followed by a de-briefing to evaluate the drill or exercise so as to enhance the lessons learned and recommend areas for improvement.

(5) The Competent National Authority and the lead agency referred to in regulation 41(1), may require the person conducting a drill or exercise to demonstrate that the recommendations from a drill or an exercise have been evaluated and addressed.

(6) The person required to have an oil spill preparedness and response system shall, before the 31st January of each year, submit to the Competent National Authority, the lead agency referred to in regulation 41(1) and the Authority an annual drills and exercise programme.

(7) The Competent National Authority and the lead agency referred to in regulation 41(1) may, in collaboration with the Authority, require the person required to have an oil spill preparedness and response system to allow authorised persons to participate in the oil spill response drills and exercises.

(8) The Competent National Authority and the lead agency referred to in regulation 41(1) shall, in collaboration with the Office of the Prime Minister and the Authority and as appropriate, organise drills and exercise programmes for their respective employees and the employees of relevant lead agencies.

44. Records and documentations of training, drills and exercises

(1) A person required to have an oil spill preparedness and response system who undertakes training, drills or exercises referred to in regulations 41 and 42 shall keep records and documentation relating to the training, drills and exercises.

(2) The records and documentation referred to in subregulation (1) shall be made available to the Office of the Prime Minister, the Competent National Authority, the lead agency referred to in regulation 41(1) and the Authority upon request.

PART VII—OFFENCES AND PENALTIES

45. Offences

(1) A person required to have an oil spill preparedness and response system under these Regulations who—

- (a) fails to develop or maintain an oil spill contingency plan in accordance with these Regulations;
- (b) fails to comply with directives of the Authority;
- (b) causes or colludes in causing an oil spill;
- (c) refuses to cooperate with other operators to manage tier 2 oil spills or during national oil spill response operations; or
- (d) uses dispersants during oil spill response in a manner contrary to these Regulations,

commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years or both.

(2) A person required to have an oil spill preparedness and response system under these Regulations who fails to undertake training, drills and exercises for oil spill preparedness and response commits an offence and is liable, on conviction, to a fine not exceeding thirty thousand currency points or imprisonment not exceeding seven years or both.

(3) A person who tampers with or destroys installations which act may lead to an oil spill, commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand currency points or imprisonment not exceeding ten years or both.

PART VIII—GENERAL

46. Documents deemed to be public documents

(1) Subject to the Constitution and Access to Information Act, 2005, environmental risk assessment, the oil spill contingency analysis and the oil spill contingency plan undertaken in accordance with these Regulations shall be public documents.

(2) Subject to section 146 of the Act, a person who wishes to access the documents described in subregulation (1) shall apply to the licensee, operator or lead agency that has the information and pay the prescribed fee.

47. Availability of an oil spill contingency plan

(1) The Office of the Prime Minister, the Competent National Authority, the Authority or relevant lead agency shall make available to the public a copy of the National Oil Spill Contingency Plan.

(2) The person referred to in regulation 7 shall make available to the public a copy of their oil spill contingency plan.

48. Guidelines

The Authority may, in consultation with the Competent National Authority and any other relevant lead agency, develop guidelines under these Regulations.

SCHEDULES

SCHEDULE 1

Regulation 2.

CURRENCY POINT.

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

Regulation 26(4).

OIL SPILL NOTIFICATION FORM.

To: The Competent National Authority
The Petroleum Authority of Uganda

Company Name:

Location of oil spill or imminent threat of oil spill:

District/sub-county/village

Facility

GPS Coordinates

Oil spill first discovered by (name, address and contact information):

.....
.....

Oil spill first reported by (name, address and contact information):

.....
.....

Date discovered: Time discovered:

Description of oil or oil product (e.g. crude oil, processed oil, diesel, petrol):

.....
.....

Estimated quantity of oil spilled:

Method of estimation:

Persons dead, injured or at risk:

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.....
.....

Geographical extent or area affected at the time of notification

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.....

Threat to the receiving environment (e.g. air, water, land, environmentally sensitive or fragile areas):

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.....
.....

Type and estimated quantity of hazardous chemicals (if any):

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.....

Cause or reason of oil spill (if known):

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.....

Preliminary response undertaken:

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.....
.....

Equipment, vessels or facilities damaged due to oil spill:

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.....
.....

Remarks:

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.....
.....

Note:

1. *Notification shall not be delayed by reason of undertaking initial response action.*
2. *If some of the information is not known, it should be indicated as such.*

Any additional comments (for official use only)

.....
.....

Name

Signature

Date:

Cross references

Access to Information Act, 2005. Act No. 6 of 2005.

Constitution, 1995

National Environment (Audit) Regulations, 2019. S.I. No. 47 of 2020.

National Environment (Environmental and Social Assessment) Regulations, 2020.

National Environment (Waste Management) Regulations, 2019. S.I. No. 49 of 2020.

National Environment Act, 2019. Act No. 5 of 2019.

Occupational Health and Safety Act, 2006. Act No. 9 of 2006.

Petroleum (Exploration, Development and Production) (Health, Safety and Environment) Regulations, 2016, S.I. No. 46 of 2016.

Petroleum (Exploration, Development and Production) Act, 2013, Act No. 3 of 2013.

Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013, Act No. 4 of 2013.

Petroleum (Refining, Conversion, Transmission and Midstream Storage) (Health, Safety and Environment) Regulations, 2016, S.I. No. 35 of 2016.

Petroleum (Waste Management) Regulations, 2019. S.I. No. 3 of 2019.

Petroleum Supply Act, 2003. Act No. 13 of 2003.

HON. SAM CHEPTORIS,
*Minister responsible for Water and Environment.**