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THE NATIONAL PETROLEUM REGULATORY AUTHORITY ACT, 2025

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Passed in Parliament this *21st day of Januray*, in the year of our Lord
Two Thousand and Twenty Five

PARAN UMAR TARAWALLY,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

PARAN UMAR TARAWALLY,
Clerk of Parliament.

SIGNED this 4th day of March, 2025.

DR. JULIUS MAADA BIO,
President.

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No. 4



Sierra Leone

2025

**THE NATIONAL PETROLEUM REGULATORY
AUTHORITY ACT, 2025**

Short title.

"Being an Act to Repeal and Replace The Petroleum Regulatory Agency Act 2014 (Act No.3 of 2014), to provide for the continuation of the Petroleum Regulatory Agency which shall be known as the National Petroleum Regulatory Authority and shall continue to provide for the regulation of the petroleum downstream industry including the licensing, monitoring and supervision of refineries, transportation, storage, marketing and retail activities and to provide for other related matters,

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires-

"adulteration" means the illegal act of mixing a foreign substance into petroleum products;

"Auditor-General" includes an auditor appointed by the Auditor-General of Sierra Leone;

"Authority" means the National Petroleum Regulatory Authority established under section 2;

"Board" means the governing board of the Authority;

"bulk customer" means a customer that takes delivery of quantities of petroleum products in excess of 4,500 litres of petroleum products;

"bulk transportation " means to transport in bulk a minimum of 4,500 litres of petroleum products;

"cartel" means a group of business persons who combine to control the production and marketing of petroleum products to avoid competition with one another;

"citizen" means a citizen of the Republic of Sierra Leone;

"crude oil" means oil in its natural state before it is refined or otherwise treated and excludes water, bottoms or sludge, sediments and foreign substances;

"dealer" means a person who-

(a) is contracted by a licensed oil marketing company;

(b) operates a filling or service station;

(c) is engaged in the marketing and direct sales of petroleum products to motorists, end users, and other consumers

"dealer" includes a retailer and a reseller;

"distribution margin" includes primary distribution margin, company margin, marketers margin and dealers margin;

"downstream" means the petroleum sector dealing with refining and processing of petroleum, crude oil and natural gas and the importation, storage, marketing and distribution of products derived from crude oil and natural gas;

"ex-pump price" means the price at which a given quantity of a petroleum product is sold at a retail station dispensing pump;

"licensee" means a person issued with a license under this Act;

"liquid petroleum gas distributor" means a person engaged in importing, re-exporting, exporting, refilling, transporting, marketing and selling of liquid petroleum gas to end users and other consumers;

"marketers margin" means the aggregate cost incurred by the oil marketing companies in ensuring availability of petroleum products at the retail stations and the return on investment;

"Marpol Convention" means the convention for the prevention of pollution from ships;

"Minister" means the Minister responsible for Trade and Industry and "Ministry" shall be construed accordingly;

"new entrant" means a licensed petroleum service provider who has been operating in the petroleum downstream industry for a period not exceeding one year and includes a free zone developer and enterprise;

"oil marketing company/trader" means a company registered as an oil marketing company in accordance with the laws of Sierra Leone and licensed under this Act to procure and sell petroleum products to bulk customers and the general public through retail stations and reseller outlets;

"petroleum product" means a product created through the refining of crude oil by distillation, cracking, solvent refining and chemical treatment which turn out as primary stocks in the form of liquefied petroleum gas, naphtha, gasoline, kerosene, aviation turbine kerosene, gas oil, residual fuel oils, waxes and petroleum, asphalt, bitumen, coke, lubricants, refinery petroleum fractions and include other petroleum designated products;

"petroleum service" means service provided by petroleum service providers and includes petroleum importation, refining, storage, bulk distribution, marketing and sale of petroleum products;

"petroleum service provider" means a person issued with a licence to operate in the petroleum downstream industry and includes a new entrant or any other person authorised by the Authority to do so;

"prescribed petroleum pricing formula" means the formula which equates the ex-pump price to the aggregate of the ex-refinery price, taxes, levies and distribution margins;

"refiner" means a person duly licensed to refine crude oil into petroleum products;

"reseller" means a person who is sponsored by a licensed oil marketing company to operate a reseller outlet and is engaged in the direct sale of petroleum products to motorists, end users and other consumers; and uses hand-operated or a mechanised pump to dispense the petroleum products;

"resellers' outlet" means the registered office of a reseller where petroleum services are offered;

"retail outlet" means the registered sales point of a dealer where petroleum services are offered and includes a station;

"strategic storage depot" means a depot designated to hold stocks of petroleum products, and is an integral part of a network of storage depots;

"storage depot" means a depot designed to hold stock of petroleum products for sale to licenced and bulk customers.

PART II - THE NATIONAL PETROLEUM REGULATORY AUTHORITY.

2. (1) There shall continue to be in existence, the body known as the Petroleum Regulatory Agency which shall now be known, as the National Petroleum Regulatory Authority.

National
Petroleum
Regulatory
Authority.

(2) The Authority shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Authority shall have a common seal, the use of which shall be authenticated by the signatures of-

- (a) the Chairman or a member of the Authority authorised either generally or specially by the Board for that purpose; or
- (b) the Director-General or some other person authorised by the Board for that purpose.

(4) A document purporting to be an instrument executed or issued by or on behalf of the Authority and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without further proof unless the contrary is proved.

(5) In appropriate cases the common seal of the Authority may be affixed to documents outside Sierra Leone.

Board of
Authority.

3. (1) The governing body of the Authority shall be a Board consisting of the following members or their representatives not below the rank of a Director-

- (a) the Chairman;
- (b) the Executive Chairman of the Environmental Protection Agency or his representative;
- (c) the Director General, National Disaster Management Agency or his representative;
- (d) the Permanent Secretary, of the Ministry or his representative;
- (e) the Financial Secretary, Ministry of Finance or his representative
- (f) the Chief Executive Officer, National Consumer Protection Commission or his representative;
- (g) 3 persons with qualifications relevant to the functions of the Authority, one of whom shall be a woman; and
- (h) The Director General, who shall be Secretary to the Board without voting rights."

(2) The Chairman and members referred to under paragraph (g) of subsection (1) shall be appointed by the President subject to the approval of Parliament.

4. (1) The Chairman and other members of the Board appointed under paragraph (g) of subsection (1) of section 3, shall hold office for a term of 3 years and shall be eligible for re-appointment for a further term of 3 years only. ^{Tenure of members.}

(2) A person shall cease to be a member of the Board on any of the following grounds-

- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
- (b) for proven misconduct;
- (c) if he becomes bankrupt or insolvent;
- (d) if he is convicted and sentenced for an offence involving fraud, dishonesty or sexual offence;
- (e) if he fails to attend 3 consecutive meetings of the Board without reasonable cause;
- (f) if he resigns his office by written notice to the Minister.

5. (1) The Board shall meet for the dispatch of its business, at least, once every 3 months at such time and place as the Chairman may determine. ^{Meetings of Board.}

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among their number to preside.

(3) A minimum of 4 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act on his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at a meeting of the Board shall be 5.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt any person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure of interest.

6. (1) A member of the Board who has an interest, whether direct or indirect, in a matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in a deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be removed from the Board.

Immunity of members.

7. (1) An action or other proceedings shall not lie or be instituted against a member of the Board or member of a committee of the Board for or in respect of an act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) A member of the Board shall not be personally liable for any debt or obligation of the Authority.

8. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform any function as the Board may determine.

(2) Notwithstanding the generality of sub-section (1), the Board shall establish the following committees-

- (a) Consumer Services Committee;
- (b) Technical Committee;
- (c) Audit Committee;
- (d) Disciplinary Committee; and
- (e) Complaints Settlement Committee.

(3) The Director-General shall not be a member of the Audit Committee referred to under paragraph (c) of sub-section (2).

(4) A committee shall consist of members of the Board, non-members or both members and non-members as the Board may decide.

(5) A committee shall submit a report of its proceedings to the Board at the time stipulated by the Board.

9. Subject to this Act, the Board shall supervise the Authority which includes overseeing the sound and proper financial management of the Authority and providing policy guidance and advice to ensure the Authority performs its functions efficiently.

10. (1) The Chairman, and other members appointed under sub-paragraph (g) of subsection (1) of section 3 by the Board shall be paid such remuneration, fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

(2) Members appointed under sub-paragraph (b) (c) (d) (e) (f) and (h) of subsection (1) of section 3 and persons co-opted by the Board shall be paid sitting fees approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine.

Filling of
vacancies.

11. (1) Where the Chairman or a member of the Board dies, resigns is removed for office or is absent from a continuous period exceeding 3 meetings, in the case of-

- (a) the Chairman, the members of the Board shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
- (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

PART III-FUNCTIONS AND POWERS OF THE AUTHORITY

Functions of
the
Authority.

12. (1) The object for which the Authority is established is to regulate, oversee and monitor activities in the petroleum downstream industry and where applicable do so in pursuance of the prescribed petroleum pricing formula.

(2) Without prejudice to the generality of subsection (1) the Authority shall carry out the following functions-

- (a) "monitor the procurement, importation, refining, storage, exporting and supply of petroleum so as to guarantee efficient retail pricing;"
- (b) determine and monitor ceilings on the price of petroleum products, including gasoline, diesel, kerosene and fuel oil, in accordance with the prescribed petroleum pricing formula in consultation with the Minister;
- (c) grant licence to applicants under this Act;

- (d) provide guidelines for petroleum downstream regulated activities, including importation, storage, transportation, retailing, bunkering, refining and distribution;
- (e) protect the interest of consumers and petroleum service providers;
- (f) regularly publish the computed pump prices based on the pricing formula on the national petroleum authority website;
- (g) determine and monitor mandatory minimum operational stock balances of petroleum products including gasoline, diesel, kerosene, fuel oil and jet fuel, for each storage licence holder;
- (h) monitor standards of performance and quality of the petroleum services;
- (i) maintain a register and keep records and data on licences, petroleum products and petroleum service providers;
- (j) initiate and conduct investigations into standards of quality of petroleum products offered to consumers;
- (k) investigate on a regular basis the operations of petroleum service providers to ensure conformity with best practice and protocols in the petroleum downstream industry;
- (l) promote fair competition amongst petroleum service providers;
- (m) conduct studies relating to the economy, efficiency and effectiveness of the petroleum downstream industry;

- (n) promote and ensure open and non-discriminatory access by third party users and also provide a framework for the determination and approval of storage fees to third party storage users;
- (o) provide a system for effective co-ordination and monitoring of petroleum downstream industry operations, including verification of payment of tax;
- (p) provide effective technical service to the Government and its agencies regarding the petroleum downstream industry;
- (q) establish and maintain a petroleum downstream data base including data base on international and domestic petroleum supply and demand;
- (r) establish and manage a strategic petroleum stocks programme for Sierra Leone;
- (s) in collaboration with the Ministry responsible for finance and the National Revenue Authority, assess and make projections on revenue to be derived from petroleum sales in order to facilitate the budgetary planning, formulation and preparation process, in Ministries, departments and agencies of Government;
- (t) monitor and verify that projected sales revenues and other taxes such as road-user charges are collected on a timely and regular basis as a priority;

- (u) work, in consonance with other agencies and stakeholders, to ensure conformity of petroleum products to the prescribed specifications for the Sierra Leone market;
- (v) perform the role of arbitrator in matters relating to the petroleum downstream industry;
- (w) perform any other function that is conducive to the object of the Authority.

13. (1) In exercising its functions under this Act the Authority shall have powers- Powers to obtain information.

- (a) to require a trader, refiner or importer, by notice in writing, to-
 - (i) furnish information stipulated in the notice within the time specified in the notice;
 - (ii) complete any form contained in the notice with particulars relating to any matter specified in the notice and to return it in the manner and within the time specified;
- (b) through its authorised agents or inspectors to enter the business premises or suspected business premises of the petroleum service provider to -
 - (i) investigate activities carried out within the premises;
 - (ii) ascertain whether the displayed prices of petroleum products are consistent with the prescribed petroleum pricing formula;

(iii) inspect the licence and premises of a petroleum service provider; and

(c) to carry out any other function to ensure compliance with this Act.

(2) Where a request to furnish information, estimates, returns or particulars is made, the information, estimates, returns or particulars shall be furnished by a person specifically authorised for the purpose by the importer, refiner or trader.

(3) An oil marketing company/trader who contravenes subsection (2) of section 13 commits an offence and is liable on conviction to a fine not less than Le 300,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment."

PART IV-ADMINISTRATIVE PROVISIONS

Director-General.

14. (1) The Authority shall have a Director-General who shall be appointed by the President subject to the approval of Parliament.

(2) A person shall not be appointed Director-General unless he-

- (a) is a citizen of Sierra Leone
- (b) has a university degree from a recognised university with proven knowledge and experience relevant to the functions of the Authority; or
- (c) proven ability in petroleum and natural oil and gas management and public administration.

Functions of the Director-General.

15. The Director-General shall be the head of the administration of the Authority and shall be responsible for -

- (a) the day-to-day administration of the Authority;

(b) the implementation of such operational policies, programmes and plans relating to the functions of the Authority as may be approved by the Board;

(c) initiate and maintain high level contact with interested parties both local and international in relevant areas of the petroleum industry;

(d) the supervision and discipline of other staff of the Authority;

(e) the management of the funds, property and business of the Authority;

(f) monitor and supervise the preparation of the annual budget and reports of the Authority for the review and approval of the Board; and

(g) performing any other duties as the Board may determine.

16. (1) The Authority shall have a Deputy Director General who shall be appointed by the President subject to the approval of Parliament. Deputy Director-General.

(2) The qualification required for a Director - General under subsection (2) of section 14 shall apply to a Deputy Director -General

(3) The Deputy Director-General shall be the principal assistant to the Director -General and shall act in the absence of the Director-General and perform any other functions determined by the Board.

17. (1) The Director-General shall recruit qualified persons below the position of Director required for the efficient discharge of the functions of the Authority subject to terms and conditions laid down by the Board; Other staff.

(2) The Authority may engage the services of consultants and advisers as it considers necessary for the efficient performance of its functions under this Act.

Divisions.

18. (1) The Authority shall establish divisions in order to carry out its functions effectively and each division shall be headed by a Director appointed by the Board on the recommendation of the Director-General.

(2) Without prejudice to the generality of sub-section (1), the Authority shall establish an internal audit control division which shall be responsible for-

- (a) carrying out internal audits on the operations of the Authority; and
- (b) coordinating the implementation of all audit recommendations arising from both internal and external audits conducted on the Authority.

Secondment of public officers.

19. (1) Public officers may at the instance of the Board be seconded or otherwise render assistance to the Authority.

(2) The Board may request the withdrawal of a seconded officer who is unable to carry out assigned functions in the manner satisfactory to the Board.

Protection of employees of Authority.

20. An officer or employee of the Authority or a person acting on the direction of an officer or employee of the Authority shall not be liable for any matter or thing done in good faith under this Act

PART V-FINANCIAL PROVISIONS

Funds of Authority.

21. (1) The activities of the Authority shall be financed by funds consisting of -

- (a) monies appropriated by Parliament for the purposes of the Authority;
- (b) fees, charges and other moneys payable to the Authority from services rendered under this Act;

(c) loans granted to the Authority by the Government, body or other person or entity;

(d) donations, grants and gifts; and other monies or assets received by or made available to the Authority for the purpose of performing its functions under this Act.

(2) The funds of the Authority shall be applied only for the purposes of the approved budget of the Authority.

22. The Authority may open and maintain bank accounts that are necessary for the performance of its functions subject to the approval of the Accountant General. Power to operate bank account.

23. Monies of the Authority, not immediately required for meeting any of its obligation or discharging its functions may be invested to the best advantage of the Authority subject to the approval of the Board. Investment of funds.

24. In accordance with the law relating to financial management, the Authority shall prepare estimates of income and expenditure of the Authority and the operating plan for the next financial year and submit the document to the Financial Secretary for his approval. Annual budget.

25. (1) The Authority shall keep proper books of account and other records in relation to its activities, property and finances, in such form as may be approved by the Auditor-General and shall prepare, in respect of each financial year, a financial statement which shall include - Accounts and audit.

- (a) balance sheet accounts;
- (b) income and expenditure accounts; and
- (c) source and application of funds.

(2) The accounts of the Authority referred to under subsection (1) shall be audited by the Auditor-General or an auditor appointed by him not later than 3 months after the end of each financial year.

(3) For the purposes of subsection (2), the Auditor-General or the auditor appointed by him shall be entitled to have access to all books of account, vouchers and other financial records of the Authority and to require such information and explanation thereon as he may think fit.

(4) The Authority shall provide the Auditor-General or the auditor appointed by him with all necessary and appropriate facilities for the examination of the accounts and records of the authority.

(5) The Auditor-General or the auditor appointed by him shall submit to the Authority a report on the audited accounts and the financial statements referred to in subsection (1) and shall, in his report draw attention to-

- (a) irregularities in the accounts;
- (b) matters that are likely to adversely affect the operations of the Authority; and
- (c) any other matter which, in his opinion, ought to be brought to the notice of the Authority.

Financial
year.

26. The financial year of the Authority shall be the same as the financial year of the Government.

Annual
report.

27. (1) Within 3 months after the end of each financial year the Authority shall prepare an annual report containing the activities undertakings, properties and finances of the Authority for that year and shall submit the report to the Minister for his approval.

(2) The annual report shall also contain a copy of the audited accounts of the Authority and the audit report.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after receipt of the report.

PART VI - PETROLEUM DOWNSTREAM INDUSTRY LICENCES AND REGISTER

28. (1) A person shall not engage in any business or commercial activity in the petroleum downstream industry unless that person is granted a licence for that purpose by the Authority . ^{Licence requirement.}

(2) A business or commercial activity of the petroleum downstream industry in respect of crude oil, gasoline, diesel, liquefied petroleum gas, kerosene and other designated petroleum products for which a licence is required under subsection (1) shall include the following-

- (a) importation;
- (b) exportation;
- (c) re-exportation;
- (d) shipment;
- (e) transportation;
- (f) processing;
- (g) refining;
- (h) storage;
- (i) distribution;
- (j) marketing;
- (k) retailing ;and
- (l) sale.

(3) The list of business or commercial activities of the petroleum downstream industry specified under subsection (2) may be limited or expanded by the Authority.

Eligibility
for licence.

29. An applicant shall not be eligible to be granted a licence under this Act unless the applicant is a-

- (a) citizen of Sierra Leone ;
- (b) body corporate registered as a company under the Companies Act 2009 (Act No. 5 of 2009);
- (c) partnership registered in accordance with the Registration of Business Act, 2007 (Act No. 18 of 2007);
- (d) foreigner or a foreign company in a registered joint venture relationship with a citizen of Sierra Leone or a Sierra Leonean company.

Application
for licence.

30. (1) A person who requires a licence under this Act shall make an application to the Authority in the prescribed form and pay the prescribed fee.

(2) An application for a licence shall be accompanied by

- (a) a clearance certificate or a permit from the Environment Protection Agency or the National Disaster Management Agency, as the case may be;
- (b) certificate from the ministry responsible for works;
- (c) evidence of -
 - (i) financial viability for the ownership or operation of the business or commercial activity; and
 - (ii) adequate training, qualification and experience in the business or commercial activity;

(d) any other document as may be required by the Authority.

(3) On receipt of an application for a licence the Director-General shall acknowledge receipt of the application in writing within 7 working days from the date he received the application.

31. (1) The Director-General shall present all the applications for a licence to the Board for its determination. Determination
of
application.

(2) Where the Board is satisfied that an applicant-

- (a) meets the required conditions, it shall grant the licence to the applicant; or
- (b) does not meet the required conditions, it shall refuse the application, stating reasons for refusal.

(3) The Director General shall inform the applicant of the decision of the Board within 7 working days from the date the Board made its decision.

(4) Notwithstanding subsection (2), the Board may, refuse to grant a licence to an applicant, for reasons relating to public interest or safety.

32. A licence issued under this Act shall- Form of
licence.

- (a) be in the prescribed form;
- (b) authorise the licensee to undertake the activity specified in the licence;
- (c) contain terms and conditions specified by the Board;
- (d) be valid for a period specified in the licence.

33. (1) An application for the renewal of a licence granted under paragraph (a) of subsection (2) of section 31 shall be made to the Authority not later than 60 days before to the expiration of the licence and in the manner prescribed by the Board. Renewal
of licence.

(2) The conditions for the application for a licence under this Act shall, with the necessary modification, apply to the renewal of a licence.

(3) The Board shall, where it is satisfied that an applicant for the renewal of a licence satisfies the conditions for renewal as specified in the licence, renew the licence.

(4) A licensee who fails to renew his licence or whose application for renewal is rejected by the Board shall not engage in a business or other commercial activity in the petroleum downstream industry as specified under this Act.

(5) A licensee who fails to renew his licence commits an offence and is liable on conviction to a term of imprisonment not less than NLe 500,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment.

Display of
licence.

34. (1) A licensee shall conspicuously exhibit his licence in a prominent place in his business premises.

(2) A licensee who contravenes subsection (1), commits an offence and is liable to a fine of NLe 50,000.

Transfer
of licence.

35. (1) A licence granted under this Act shall not be transferred except with the written approval of the Authority.

(2) A licensee who wishes to transfer his licence shall make an application to the Authority for that purpose.

(3) An application for the transfer of a licence under subsection (2), shall be accompanied by an application of the proposed transferee in the prescribed form.

(4) In considering an application for transfer of a licence under subsection (1), the Board shall, have regard for the same matters it considered for the grant of a new licence and shall approve the transfer if satisfied with the application of the proposed transferee.

36. (1) The Board may revoke, suspend or refuse to renew a licence issued under this Act where -

Revocation,
suspension
and refusal to
renew
licence.

- (a) a licensee fails to comply with this Act or regulations made under it;
- (b) the continued operation of a business or commercial activity to which a licence relates, poses a risk to public health, safety and security;
- (c) the services provided by a licensee have deteriorated below the required standard;
- (d) the licensee has not complied with the conditions of the licence; or
- (e) an offence under this Act in relation to the licensee is being investigated.

(2) Where the Board intends to revoke, suspend or refuse to issue or renew a licence under this Act it shall give the applicant or licensee;

- (a) 30 days prior notice of the revocation, suspension or the intention not to issue or renew the licence;
- (b) reasons for the intention to revoke, suspend or refusal to issue or renew the licence; and
- (c) an opportunity to make an oral or written representation in his defence to the Board.

(3) An applicant or licensee who receives a notice under subsection (2) may make a representation to the Director-General within 15 working days from the date of receipt of the notice.

(4) Within 3 months after the representation referred to under subsection (3) the Board shall take a decision on the revocation, suspension or refusal to renew a licence and inform the applicant or licensee of its decision.

(5) The Authority shall publish notice of any suspension, revocation or non-renewal of a licence on its website.

Petroleum Industry Register.

37. (1) The Authority shall maintain a Petroleum Industry Register in which shall be entered details relating to businesses or other commercial activities in the petroleum downstream industry including -

- (a) the name and particulars of a licensee;
- (b) the business or commercial activity engaged by the licensee; and
- (c) any other information the Board deems necessary.

(2) The Petroleum Industry Register shall be open for public inspection subject to the payment of a prescribed fee, during hours stipulated by the Board.

(3) Extracts of the Petroleum Industry Register may be obtained subject to conditions stipulated by the Board.

Removal of name from Register.

38. (1) The Board shall remove from the register, the name of a licensee who -

- (a) fails to comply with the conditions of his licence; or
- (b) is found guilty of misconduct by the Disciplinary Committee.

(2) The name of a licensee removed from the Petroleum Industry Register may be restored if, in the opinion of the Board, the circumstances that warranted the removal have been averted or corrected.

PARTVII-REFINERY, TRANSPORTATION, MARKETING AND RETAILLICENCES

Refinery licence.

39. (1) A licence to operate a refinery for the supply of petroleum products authorises the licensee to-

(a) convert crude oil into petroleum products for sale without discriminating against -

- (i) bulk customers of petroleum products; and
- (ii) a licensee who markets petroleum products.

(b) obtain approval from the Board before fixing charges for services rendered.

40. (1) The Authority may grant a licence to an operator of a storage depots for petroleum products authorising him to provide services for storage and transhipment of petroleum products to - Storage depots operator licence.

- (a) bulk consumers; and
- (b) persons licensed under this Act to market petroleum products.

(2) Subject to subsection (1), the Board shall designate-

- (a) a network of strategic storage depots for petroleum products
- (b) operational storage depots for petroleum products, to be managed by an operator of storage depots for petroleum products on behalf of the Government.

(3) A licence granted by the Authority under subsection (2) to operate storage depots for petroleum products shall require the licensee to comply with the following conditions -

- (a) provide without discrimination, services on request for the storage and transhipment of petroleum products to bulk customers and persons licensed for the transportation and marketing of petroleum products ;

- (b) maintain a minimum stock balance determined by the Authority;
- (c) obtain the Authority's approval before imposing charges for services rendered.

Bulk transportation licence.

41. The Authority may grant a bulk transportation licence to an operator of bulk transportation petroleum and he shall comply with the following conditions-

- (a) transport petroleum products through such means as the Authority may determine;
- (b) enter into an agreement with the Authority to provide services without discrimination;
- (c) obtain the Authority's approval before imposing charges for the bulk transportation of petroleum product through pipeline systems, barges, rail tanker wagons and bulk road vehicles;
- (d) any other condition the Authority deems necessary.

Petroleum products marketing licence.

42. The Authority may grant a licence authorising a person to procure and sell petroleum products to bulk customers and the public through retail stations or reseller outlets.

Authorisation required to construct or operate in petroleum downstream industry.

43. A person shall not construct or operate in the petroleum downstream industry -

- (a) a petroleum product retail station;
- (b) a petroleum product storage depot and pipeline;
- (c) a liquefied petroleum gas depot; or
- (d) an oil refinery,

unless that person has a written authorisation issued by the Authority.

44. A person shall not sell or display a petroleum product for sale on a dispensing unit or flow unit meter unless the person displays the price of the petroleum product in Leones and cents. Prices of petroleum products to be displayed.

45. (1) A person shall not -

- (a) sell or offer for sale a petroleum product;
 - (b) be in possession of a petroleum product quantities in excess of that person's immediate requirement; or
 - (c) receive a petroleum product for sale,
- Sale of petroleum products without licence prohibited.

unless that person holds a licence issued by the Authority for that purpose.

(2)) A person who contravenes subsection (1) commits an offence and is liable on conviction in the case of-

- (a) an individual, to a fine of not less than NLe 50,000; and
- (b) a body corporate, to a fine of not less than NLe 300,000"

PART VIII - MONITORING AND SUPERVISION

46. The Authority shall -

- (a) monitor the release and storage of stock of petroleum products;
- (b) ensure that mandatory minimum stock is retained at every petroleum depots;
- (d) ensure that strategic stock is retained as reserve stock.

Monitoring stock of petroleum products in storage depots.

Monitoring refinery and manufacturing processes.

47. (1) The Authority shall -

- (a) monitor the refinery and manufacturing processes of petroleum products to ensure the application of clean and safe technology; and
- (b) by statutory instrument, prescribe standards and protocols for the refinery and manufacturing operations in the petroleum downstream industry.

Specification for fuel products.

48. The Sierra Leone Standards Bureau after consultation with the Authority shall-

- (a) set the specifications for each type of fuel and fuel related product; and
- (b) specify the allowable content of additives in each type of fuel and fuel related product.

Petroleum service providers to submit reports to Authority.

49. (1) A petroleum service provider whose operation in the downstream industry involves the importation, refining and marketing of petroleum products shall submit a monthly report not later than the last working day of the month-

- (a) imports;
- (b) production;
- (c) domestic sales and consumption;
- (d) inventory of crude oil and products; and
- (e) exports.

(2) The Authority shall within 15 days of receipt of the report under sub-section (1) consider the content of the report and initiate the necessary action to be taken.

(3) A report submitted to the Authority under subsection (1) and the decision taken by the Authority under subsection (2) shall be forwarded to the Ministry.

(4) Notwithstanding subsection (1), the Authority may, require a petroleum service provider to submit a report on specific issues and furnish the Authority with information in respect of the conduct, practices, and management by that petroleum service provider related to the business or activity including relations with other relevant institutions, partnerships and individuals.

(5) A petroleum service provider who fails to submit report commits a crime and is liable to a fine not less than NLe 300,000"

50. (1) Subject to this Act and any other enactment, the Authority may, disclose to the public, information obtained by it in the performance of its functions under this Act. Disclosure of information.

(2) Notwithstanding subsection (1) the Authority shall not disclose to a person -

- (a) a trade secret; and
- (b) privileged commercial or financial information,

unless the person makes a written undertaking to keep the secret information or matter in strict confidence and to use it for the purpose for which it was sought.

(3) Notwithstanding subsection (2), the Authority shall, not disclose to a person matters that relate to national security.

(4) The Authority shall submit to the Ministry, a quarterly report covering the activities and the operations of the Authority for the period of the year to which the report relates.

PART IX - LIBERALISATION AND PROMOTION OF FAIR
COMPEITIONCompliance
with Basel
and Marpol
Conventions.

51. (1) A petroleum service provider who undertakes a business or activity in the petroleum downstream industry that involves the importation of crude oil or refined petroleum products, shall ensure that the business or activity complies with the Basel Convention and Marpol Convention.

(2) For the purposes of subsection (1), a petroleum service provider shall, submit to the Authority, a written quarterly report relating to the business or activity and demonstrating its compliance with the Basel Convention and Marpol Convention.

Promotion of
fair trade
practices.

52. (1) The Authority shall support any commercial practice, in the petroleum downstream industry which-

- (a) serves the public interest;
- (b) achieves efficiency and cost reduction;
- (c) ensures the continuous supply of petroleum products; and
- (d) enhances environmental protection.

(2) For the purpose of this section "commercial practice" includes-

- (a) nationalised depot operations,
- (b) open access to storage tanks, pipeline utilisation and
- (c) joint action on spill control and fire prevention;

(3) In order to ensure the observance of fair and equitable practices and the enforcement of existing contracts, the Authority shall, monitor the conduct of relationships amongst petroleum service providers.

53. The Authority shall formulate and establish a programme to promote new entrants as petroleum service providers in the petroleum downstream industry.

Promotion of
new
petroleum
service
providers.

PART X-MONOPOLY AND CARTELISATION

54. (1) A person or an agent of that person shall not-

- (a) form a cartel within the petroleum downstream industry;
- (b) gain, hold or secure a monopoly of a business or commercial activity within the petroleum downstream industry.

Formation of
cartels and
monopolies
prohibited.

(2) For the purposes of preventing the formation of cartels and monopolies within the petroleum downstream industry, the Authority shall take the necessary measures in compliance with protection against unfair competition to prevent the formation of cartels, monopolies and unfair competition in the petroleum downstream industry.

(3) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than NLe. 300,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment

55. (1) A person or an agent of that person shall not indulge in or assist in cartelisation in the petroleum downstream industry.

Cartelisation
prohibited.

(2) For the purposes of this section Cartelisation means an agreement, combination of or concerted action by refiners, importers, dealers, or their agents to-

- (a) fix prices;
- (b) restrict import or exports;
- (c) divide or allocate markets either by product or by area

- (d) restrain trade or free competition and contractual stipulation that prescribes pricing levels and profit margins at variance with the prescribed petroleum pricing formula.

(3) A person who contravenes subsection (1), commits an offence and is liable, on conviction, to a fine not less than NLe.300,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment.

Promotion of retail competition.

56. (1) The Authority shall promote the active and direct participation of retail of the private sector in the retailing of petroleum products through information dissemination in order to ensure that the prevalence of fair prices of petroleum products and to facilitate the attainment of a genuine competitive product market at the retail level.

(2) The retailing of petroleum products may be effected through joint venture or supply agreements for the establishment and operation of retail stations.

(3) The Authority shall facilitate co-ordination among new entrants and existing petroleum dealers, including large and small retail outlets to ensure efficient collaboration in the establishment, operation and maintenance of retail stations.

(4) This section shall also apply to liquified petroleum gas retailing.

PART XI - COMPLAINTS AND SETTLEMENT OF DISPUTES

Right of complaint.

57. (1) A person who is aggrieved with the petroleum services or pricing, may submit a written or oral complaint to the Complaints Settlement Committee appointed under section 8.

(2) On receipt of a complaint under subsection (1), the Complaints Settlement Committee shall examine and determine the complaint and take appropriate action within a period not exceeding 14 days from the date of receipt of the complaint.

(3) Where a person makes a complaint to the Complaints Settlement Committee under subsection (1) and;

- (a) no action is taken on the complaint within the specified 14 days period; or
- (b) the person is dissatisfied with the action taken by the Complaints Settlement Committee,

that person may submit the complaint to the Board for further investigation.

(4) On receipt of a complaint under subsection (3), the Authority shall-

- (a) investigate the complaint, unless it is of the opinion that the complaints is-
 - (i) trivial, frivolous, vexatious or not made in good faith;
 - (ii) under investigation, or before a court; or
 - (iii) prejudicial to national security; or
- (b) within 14 working days, make an appropriate determination together with a statement of reasons for the determination.

58. A person aggrieved by the decision of the Authority under appeal. subsection (4b), of section 57 or under subsection (3), of section 59 may appeal to the High Court.

59. (1) A petroleum service provider who is involved in a Settlement of dispute concerning a contractual matter that arises with respect to- disputes.

- (a) margins set by dealers;
- (b) freight rates for the transportation of petroleum products;

- (c) margins set by the liquid petroleum gas distributors; and
- (d) any other matter designated by the Board,

shall negotiate in good faith to reach an amicable settlement of the dispute.

(2) Where a dispute cannot be amicably settled through negotiation, the aggrieved party may submit the dispute to the Board for arbitration.

(3) The Board shall set up an arbitration panel to arbitrate and settle the dispute after consultation with the Minister

Procedures dealing with complaints from consumers.

60. (1) A petroleum service provider shall establish an internal procedure for dealing with complaints by its consumers or potential consumers of petroleum services that he offers.

(2) The procedure referred to under subsection (1) shall not be established or modified unless -

- (a) the petroleum service provider consults the relevant persons or institutions that constitute a fair representation of the consumers for whom it provides the services; and
- (b) the Authority approves the proposed procedure or modification.

(3) The Authority may direct a petroleum service provider to review its procedures for dealing with complaints by its consumers or the manner it operates and make modifications accordingly.

(4) A petroleum service provider shall submit copies of his procedure for dealing with complaints by its consumers to the Authority

PART XII - MISCELLANEOUS PROVISIONS

61. (1) A petroleum service provider shall not misapply the prescribed petroleum pricing formula to result in an overcharge of a petroleum product for a consumer.

Misapplication of prescribed petroleum pricing formula.

(2) A petroleum service provider who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 300,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment.

62. (1) A petroleum service provider shall not -

(a) make a false statement -

False statements and withholding material information.

(i) in respect of a matter under this Act;

(ii) in furnishing the Authority with information or producing a document for purposes of this Act or regulations made under this Act;

(b) produce, provide, send or otherwise make use of a document which is false or which the petroleum service provider knows to be false in a material particular.

(2) A petroleum service provider who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 300,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment.

63. (1) A person shall not unlawfully obstruct or hinder an officer, agent or employee of the Authority carrying out his functions under this Act.

Obstruction or interference with officers and employees of Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe.300, 000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment.

Unlawful destruction or damage of petroleum equipment.

64. (1) A person shall not unlawfully destroy or damage equipment, installation or facility for the refining, storage, bulk transportation, marketing or sale of petroleum products.

(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not less than NLe. 300,000 or to a term of imprisonment not less than 3 years or to both such fine and imprisonment.

Adulteration and hoarding.

65. (1) No person shall adulterate or hoard petroleum.

(2) A person adulterates or hoards petroleum if-

(a) he mixes it with a contamination; but a trader may be exonerated if he proves that the petroleum was adulterated after he had supplied it to the dealer;

(b) having a stock of petroleum, he refuses to supply or sell on any pretext which is false

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction in the case of-

(a) an individual, to a fine of not less than NLe 50,000, and confiscation of the petroleum; and

(b) a body corporate, to a fine of not less than NLe 300,000 and confiscation of the petroleum"

66. (1) No person shall adulterate or hoard petroleum.

Other penalties.

(2) A person adulterates or hoards petroleum if-

(a) he mixes it with a contamination; but a trader may be exonerated if he proves that the petroleum was adulterated after he had supplied it to the dealer;

(b) having a stock of petroleum, he refuses to supply or sell on any pretext which is false

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction in the case of-

(a) an individual, to a fine of not less than NLe 50,000, and confiscation of the petroleum; and

(b) a body corporate, to a fine of not less than NLe 300,000 and confiscation of the petroleum"

67. (1) The Minister may, by statutory instrument, make such Regulations. Regulations as he may consider necessary or expedient to give effect to this Act.

(2) The Minister may make regulations relating to-

(a) the criteria and determinants for the formulation of the prescribed petroleum pricing formula;

(b) quality of services provided for petroleum products;

(c) the procedure for submission of complaints and investigation and determination of complaints, in respect of a matter arising under this Act;

(d) prescribe, modify and review the prescribed petroleum pricing formula;

- (e) competitive bidding procedures for the procurement of petroleum products and crude oil;
- (f) guidelines for marketing operations and fair competition in the petroleum downstream industry;
- (g) standards of performance for the provision of petroleum services;
- (h) protection of consumers;
- (i) testing facilities for quality control of crude oil and petroleum products in the petroleum downstream industry;
- (j) regulation of licensing;
- (k) the fees, and charges to be paid under this Act;
- (l) inspection of petroleum service providers' premises;
- (m) control of the importation, exportation, landing, loading, unloading and transportation of petroleum products;
- (n) storage, handling and sale of petroleum products and for licensing of places in which petroleum products are stored;
- (o) handling of petroleum products in the fuelling of aircraft;
- (p) the quality and purity of petroleum products and crude oil;

- (q) the effective operation of strategic storage depot; and
- (r) any other matter necessary for the effective implementation of the provisions of this Act.

68. (1) The Petroleum Regulatory Agency Act, 2014 (Act No. 3 of 2014) is hereby repealed. Repeal and Savings

(2) Notwithstanding the repeal of the Petroleum Regulatory Agency Act, 2014, rules or regulations made under the repealed Act and in existence immediately before the commencement of this Act shall continue to be in operation until their expiration or until their express repeal or revocation under this Act.

69. On the commencement of this Act - Transitional provisions.

- (a) properties, assets, rights and interests of the Petroleum Regulatory Agency shall be the properties, assets, rights and interests of the National Petroleum Regulatory Authority ;
- (b) obligations and liabilities subsisting against the Petroleum Regulatory Agency shall continue to subsist against the National Petroleum Regulatory Authority;
- (c) licences issued under the repealed Act shall remain valid until their expiration
- (d) employees of the Petroleum Regulatory Agency shall be employees of the National Regulatory Authority.