

Statutory Instrument No. 116 of 2022

BOTSWANA ENERGY REGULATORY AUTHORITY ACT
(Cap. 74:11)

**BOTSWANA ENERGY REGULATORY AUTHORITY (LIQUEFIED
PETROLEUM GAS OPERATIONS) REGULATIONS, 2022**

(Published on 23rd September, 2022)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I — *Preliminary Provisions*

1. Citation
2. Interpretation
3. Application

PART II — *Licensing Procedures*

4. Types of licences
5. Application for licence for exportation, importation and distribution of LPG
6. Application for construction of LPG facility licence
7. Licensing requirements
8. Publication of licence applications
9. Issuance of licence
10. Duration of licence
11. Application for renewal of licence
12. Application for transfer of licence
13. Change of name
14. Change in shareholding structure

PART III — *General Obligations of Licensee*

15. General obligations
16. Protection of lives and property
17. Compensation for loss suffered
18. Insurance
19. Maintenance of records, provision and disclosure of information
20. Customer service standards

PART IV — *Environmental Protection*

21. Compliance with environmental laws and standards
22. Sanctions for events of violation of environmental laws

PART V — *Technical Obligations of a Licensee*

23. Compliance with approved standards and specifications
24. Prohibition on the use of cylinders and seals
25. Prohibition to decant
26. Prohibition on under-filling
27. Use of calibrated weighing scales
28. Marking of cylinders
29. Loading and offloading of LPG
30. Cylinder sealing
31. Deceptive trade practices
32. Storage of LPG
33. Provision of fire protection equipment
34. Development of emergency plan
35. Decommissioning procedure
36. Site restoration
37. Performing LPG installations

PART VI — *Compliance and Enforcement*

38. Power to enter and close regulated facility, building or premises
39. Inspection of regulated facility
40. Obligation of inspector during inspection
41. Prohibited acts against inspectors
42. Issuance of Compliance Orders
43. Notification of offences

PART VII — *Miscellaneous Provisions*

44. Offences and penalties
 45. Approved standards
 46. Transitional provisions
- SCHEDULES

IN EXERCISE of the powers conferred on the Minister of Minerals and Energy by section 74 of the Botswana Energy Regulatory Authority Act, the following Regulations are hereby made —

PART I — *Preliminary Provisions*

Citation	1. These Regulations may be cited as the Botswana Energy Regulatory Authority (Liquefied Petroleum Gas Operations) Regulations, 2022.
Interpretation	2. In these Regulations, unless the context otherwise requires — “approved standard and specification” means any specification or standard in relation to an LPG product applied by the Authority and as approved pursuant to the Standards Act;
Cap. 43:07	“bulk consumer” means a consumer who buys LPG in bulk quantity for own use or any use other than re-selling; “bulk quantity” means a single container of LPG of not less than 250 kilograms;
Cap. 53:03	“BURS” means the Botswana Unified Revenue Service established under section 3 of the Botswana Unified Revenue Service Act;

- “Certification Authority” means the Botswana Bureau of Standards which is established under section 3 of the Standards Act;
- “Companies Intellectual Property Authority” means the authority established under section 3 of the Companies Intellectual Property Authority Act; Cap. 42:13
- “Competition and Consumer Authority” means the Competition and Consumer Authority established under section 4 of the Competition Act; Cap. 46:09
- “consumer” means any person who is supplied with LPG for own use or any use other than re-selling;
- “consumer installation” means any installation involving pipe-works for the distribution of LPG, bulk containers, or cylinders of aggregate quantity not less than 250kg, that is intended for own use or any use other than re-selling by the consumer;
- “consumer installation operations” means an activity necessary to operate a consumer installation facility and includes all activities in respect of such facility and any activity reasonably required in connection with obtaining, handling, possession, storage or dispensing of LPG at such facility;
- “cylinder” means any portable or stationary pressure container, together with all of its permanent supports and attachments installed for the storage and handling of LPG;
- “dangerous situation” means a situation involving LPG that —
- (a) endangers the safety or health of a person, or the safety of a person’s property; or
 - (b) creates an eminent risk of significant environmental harm;
- “dealer” means any person conducting LPG retail business;
- “decant” means transfer of LPG from one prescribed container to another;
- “filling or refilling center” means a facility operated by a wholesaler duly authorised by the Authority to fill and decant LPG cylinders;
- “incident” means —
- (a) an event that involves the leakage of LPG from a transport vessel, storage vessel, cylinder filling, dispensing or offloading activities;
 - (b) death or personal injury occurring as a result of the conduct of a regulated activity or LPG use or handling;
 - (c) a fire or an event incidental to a fire resulting from the conduct of a regulated activity or LPG use or handling;
 - (d) LPG product shortage; or
 - (e) any other significant event that may adversely affect the conduct of a regulated activity or LPG retail business;
- “inspector” means an officer of the Authority or an agent of the Authority appointed by the Authority to perform the functions of inspection as required under the Act and regulated sector legislation;
- “installer” means a person who performs an installation of pipe-work, storage vessels, containers, or any other equipment for the purposes of transporting, distribution, storage, handling or use of LPG;
- “leak” means any unwanted or accidental release of LPG into the air or into any structure or thing;
- “licensed installer” means an installer who is duly authorised by a recognised body or registered the Authority as an LPG installer or contractor;

- “Liquefied Petroleum Gas (LPG)” means any material having a vapour pressure for commercial propane and composed predominantly of the following hydrocarbons, either by themselves or as mixtures, propane, propylene, butane and butylene;
- “LPG (Wholesale and Retail Business) Operational Guidelines” means the manual prepared by the Authority with instructions on how LPG wholesale and retail business is to be conducted;
- “LPG retail business” means an activity necessary for storing, handling and selling LPG in cylinders to a consumer through a retail outlet;
- “LPG wholesale business” means the importation of LPG in bulk quantity, filling or re-filling of LPG, handling, storage and selling of LPG to a dealer or bulk consumer;
- “operator” means a person who is responsible for the day to day activities of a regulated activity, whether such person is located on the relevant premises during business hours or is the owner of such regulated activity and who for the purposes of these Regulations, shall be deemed to have the authority and the ability to —
- (a) grant an inspector access to regulated activity to facilitate the performance of the inspector’s duties;
 - (b) detect any defect weakness within a regulated activity and make an authoritative judgment as to its suitability for further use;
 - (c) answer questions raised by an inspector; and
 - (d) witness the inspection process;
- “registered accountant” means a person registered as a registered accountant under the Botswana Institute of Accountants established under the Accountants Act;
- Cap. 61:05
- “registered engineer” means a person registered as a registered engineer under the Engineers Registration Act;
- Cap. 61:06
- “registered quantity surveyor” means a person registered as a registered quantity surveyor under the Quantity Surveyors’ Act;
- Cap. 61:10
- “regulated activity” means any activity related to LPG including wholesale, distribution, storage, transportation or retail;
- “regulated facility” includes the LPG receiving terminal, refilling center, bullets, spheres, storage tanks, cylinders, distribution pipe-work, transportation equipment, associated equipment, accessories and buildings used to conduct a regulated activity;
- “retail outlet” means any place where LPG is sold or offered for sale to a consumer on retail basis;
- “transport vessel” means a truck, car, machinery, ship, railway wagon, barge or other means of transporting an LPG; and
- “wholesaler” means any person that imports, stores, handles, re-fills, decants and sells LPG directly to a bulk consumer or a retailer.
- Application
- 3.** These Regulations shall regulate activities related to a Liquefied Petroleum Gas (LPG) business including wholesale, retail, storage, transportation and consumer installation.

PART II — *Licensing procedures*

- Types of licences
- 4.** The Authority may issue licenses in respect of the following activities —

- (a) LPG wholesale business;
- (b) LPG bulk transportation business;
- (c) LPG cylinders transportation;
- (d) LPG retail business;
- (e) LPG storage business; and
- (f) LPG consumer installations.

5. (1) A person who wishes to export, import or distribute LPG shall apply to the Authority to be issued with a licence.

Application for licence for exportation, importation and distribution of LPG

(2) An application made under subregulation (1) shall be in Form A set out in Schedule 1 and shall be accompanied by a non-refundable fee set out in Schedule 2.

(3) Notwithstanding subregulation (1), a person shall not require a licence to import LPG for quantities below 50 kg and which is for his or her own use.

6. (1) A person who wishes to construct an LPG facility for the following activities shall apply to the Authority in accordance with Form B set out in Schedule 1 —

Application for construction of LPG facility licence

- (a) a storage depot;
- (b) a wholesale outlet;
- (c) a retail outlet; or
- (d) a consumer installation.

(2) An application for a licence under subregulation (1) shall be accompanied by a non-refundable fee set out in Schedule 2.

(3) An application under subregulation (1) shall meet the requirements under regulation 7 (1) (a) (ii), (b), (c), (d) and (e).

(4) Where the Authority approves the application, it shall stamp or seal the submitted drawings with its legal stamp or seal.

(5) A licensee shall be obliged to follow the drawings approved in terms of subregulation (4).

(6) A licensee who seeks to alter or deviate from the drawings shall apply to the Authority for approval to amend the drawings before proceeding with the alteration or deviation.

7. (1) An application for a licence under regulations 5 and 6 shall meet the following technical and financial requirements —

Licensing requirements

- (a) proof of technical capability which are —
 - (i) possession of a storage facility or hospitality agreement with another licensee,
 - (ii) environmental authorisation or an exemption issued by the relevant Department;
- (b) possession of necessary requisite skilled personnel;
- (c) provision of engineering drawings, including site layout, certified by a registered engineer indicating all the installation details as required by the approved standards and specifications;
- (d) proof of financial capability which are —
 - (i) a copy of the most recent audited financial statement and where this is not available, management accounts certified by a registered accountant,
 - (ii) where a company is reliant on parent company funding, a copy of the parent company's most recent audited consolidated accounts and where this is not available a consolidated performance balance sheet for the parent company which has been certified by a registered accountant, or

Publication of
licence
applications

- (iii) evidence of any funding arrangements in the form of, among others, copies of executed commercial loans, overdraft agreements, director or shareholder loan agreements, parent company loan agreements or parent company guarantee; and
 - (e) in case of a construction application, provision of a bill of quantities certified by a registered quantity surveyor.
- (2) Notwithstanding the generality of subregulation (1), the Authority may issue a licence with specific conditions to be fulfilled within a period determined by the Authority.

8. (1) The Authority shall, upon receiving an application under regulation 5 (1) and 6 (1), evaluate and verify the completeness and legality of information contained in the application.

(2) Where the Authority considers it necessary to publish a notice in accordance with section 40 (4) of the Act, it shall —

- (a) invite the public to submit their comments and representations within 14 days from the date of publication; and
- (b) bear the costs of publication.

(3) In making a decision whether to grant or reject an application, the Authority shall consider the comments and representations received under subregulation (2) (a).

Issuance of
licence

9. (1) The Authority may, upon consideration of an application for a licence —

- (a) grant the application and issue a license;
- (b) refer the application back to the applicant; or
- (c) reject the application.

(2) The Authority shall, when making a decision to grant or reject a licence, take into consideration —

- (a) the licensing requirements provided in regulation 7;
- (b) compliance to land ownership and land use laws;
- (c) any objection or representation received from the public pursuant to regulation 8 (2) and section 40 (4) of the Act;
- (d) the applicant's record of compliance with the Act, these Regulations and other regulated sector legislation and approved standards and specifications;
- (e) economic efficiency and benefit to the applicant and the public in general;
- (f) whether or not a regulated facility complies with matters related to —
 - (i) safety,
 - (ii) health,
 - (iii) security,
 - (iv) quality,
 - (v) handling of hazardous substances,
 - (vi) environmental protection, and
 - (vii) approved standards and specifications; and
- (g) any other matter relevant to the conduct of an LPG business in Botswana.

(3) Where the Authority issues a licence to an applicant, it shall notify the applicant, in writing, to collect the licence.

(4) An applicant who collects a licence in terms of subregulation (3) shall pay a collection fee set out in Schedule 2.

(5) The Authority may reject an application for a licence where it determines that —

- (a) the applicant does not meet the requirements of subregulation (2);
 - (b) the applicant's activities may not be conducted in accordance with safety, health and environment requirements;
 - (c) the applicant is applying for a licence in respect of the same activity that had its licence withdrawn or revoked in accordance with the Act in the preceding five years; or
 - (d) the applicant has violated the mandatory requirements provided under the Act and relevant regulated sector legislation.
- (6) The Authority shall, where it rejects or refers back an application for a licence inform the applicant of such decision in writing, including the reasons thereof.

- (7) A person issued with a licence to export LPG shall —
- (a) only export LPG in bulk;
 - (b) use licensed transport to convey LPG in containers or vessels that conform to applicable standards, regulations and laws; and
 - (c) comply with all other laws and regulations governing exportation.
- (8) A person issued with a licence to import LPG shall —
- (a) only import LPG in quantities not less than 20000kg;
 - (b) use licensed transport to convey LPG in containers or vessels that conform to applicable standards, regulations and laws; and
 - (c) comply with all other laws and regulations governing importation.

10. (1) A licence shall be valid for a period stipulated in the licence.

(2) Notwithstanding a notification in terms of regulation 43, the Authority shall revoke a licence of any licensee who, without any lawful cause, fails to conduct the regulated activity for a period of six consecutive months during the term of the licence.

Duration of licence

11. (1) A licensee may apply, in accordance with Form C set out in Schedule 1, for the renewal of a licence within —

- (a) three months before the expiration of a licence that is valid for a period of 12 months or less; or
- (b) six months before the expiration of a licence that is valid for a period of more than 12 months.

Application for renewal of licence

(2) An application for a renewal of a licence under subregulation (1) shall be accompanied by a non-refundable fee set out in Schedule 2.

(3) The Authority shall, when making a decision whether to grant or deny an application for renewal of a licence, consider the applicant's compliance, including historic compliance record to the Act and the terms and conditions of the licence which is due to expire.

(4) The Authority shall not renew a licence of a licensee who has, during the term of the licence, ignored, resisted or wilfully neglected or failed to comply with any order given to him or her by the Authority.

(5) The Authority shall, in the event that it rejects an application for renewal of a licence, inform the applicant of such decision in writing, giving the reasons for the rejection.

12. (1) A person who wishes to transfer or assign a licence to another person shall apply to the Authority in accordance with Form D set out in Schedule 1.

Application for transfer of licence

(2) An application for transfer of a licence under subregulation (1) shall be accompanied by a non-refundable fee set out in Schedule 2.

(3) Notwithstanding the provisions of subregulation (1), the Authority shall not consider an application unless the application has been endorsed by the transferee or assignee, as the case may be.

(4) The Authority may publish an application for a transfer of licence in the *Gazette* and at least two newspapers, of wide circulation in Botswana, inviting the public to submit comments and representations within 14 days from the date of publication of the notice, and the comments and representations may be considered by the Authority in arriving at the decision on the application.

(5) The costs for publication of the notice under subregulation (4) shall be borne by the Authority.

Change of name

13. A licensee who has changed his or her name shall within seven days after such change notify the Authority in writing, and the notice shall be accompanied by a certificate for change in name issued by a relevant authority.

Change of shareholding structure

14. (1) A licensee who wishes to change ownership, where a third party becomes a majority shareholder of a company shall apply for approval, in writing, to the Authority.

(2) An application for a change of shareholding structure under subregulation (1) shall be accompanied by a non-refundable fee set out in Schedule 2.

(3) The licensee who applies for approval under subregulation (1) shall submit to the Authority, the following documents in support of the application —

- (a) a covering letter addressed to the Chief Executive Officer;
- (b) a duly signed and stamped deed of share transfer;
- (c) the current shareholding structure approved by the Companies Intellectual Property Authority;
- (d) tax clearance certificate from BURS; and
- (e) a letter of clearance from the Competition and Consumer Authority.

(4) The Authority may, before approving the application for change in shareholding structure in subregulation (3), consult other authorities.

PART III — *General Obligations of Licensee*

General obligations

15. (1) A licensee shall —

- (a) comply with —
 - (i) the Act,
 - (ii) relevant regulated sector legislation,
 - (iii) orders and directives of the Authority,
 - (iv) these Regulations,
 - (v) approved standards and specifications, and
 - (vi) LPG business operations guidelines;
- (b) not sell or offer for sale an empty or fractional empty cylinder;
- (c) inform the Authority within 12 hours after the occurrence of a dangerous situation or incident, including the steps taken or proposed to be taken to remedy such situation or to eliminate or minimise the danger that may arise from such a situation;
- (d) when a facility is left unattended, ensure that —
 - (i) all sources of energy including electrical power to the dispensing equipment, valves and pipe lines are shut off, and
 - (ii) the dispensers, cylinders and related equipment are adequately secured to prevent unauthorised access and use;

- (e) upon request, make available to the Authority any information of the regulated activity;
- (f) maintain and make available to the Authority upon request, documentary evidence that —
 - (i) all electrical equipment and installations in the premises relevant for the conduct of its regulated activity comply with existing relevant codes or legislation,
 - (ii) all installations and installation accessories comply with the approved standards and specifications,
 - (iii) all safety and emergency labelling is available in accordance with the approved standards and specifications,
 - (iv) all installations have been carried out by a relevant competent licensed installer or contractor as per the approved standards and specifications, and
 - (v) areas of the premises where flammable gases or vapours may occur comply with existing relevant codes;
- (g) not engage in any activity that contravenes the Competition Act;
- (h) sell LPG at a price as determined and set by the Authority where necessary;
- (i) seek approval from the Authority for change of location of business premises;
- (j) ensure that risk assessments are carried out at least every year or as specified in the licence conditions;
- (k) ensure that the testing and measuring instruments used for its regulated activity are accurate and regularly calibrated by a recognised body in accordance with the applicable legislation;
- (l) ensure that a cylinder is disposed off safely and in compliance with applicable laws and standards;
- (m) obtain and maintain a valid insurance cover in respect of all liabilities that may arise from the conduct of a regulated activity;
- (n) conduct business in such a way that —
 - (i) bulk consumers or customers, retailers and consumers are treated fairly and equally, and
 - (ii) comparable services are provided to all bulk consumers, retailers and consumers;
- (o) notify the Authority immediately after the licensee —
 - (i) is unable to conduct his or her licensed regulated activity,
 - (ii) becomes aware of the fact that the conduct of his or her regulated activity would or might lead to the breach of any of these Regulations, or materially affect services to the customers or consumers, or
 - (iii) becomes aware of any material change in circumstances that adversely affects his or her licensed regulated activity;
- (p) cause the operator to be present on the facility at all material times;
- (q) notify the Authority of any change of his or her address, name or location not later than seven days after such change;
- (r) display in a conspicuous place at its facility its licence or a true copy thereof, duly certified by the Authority;
- (s) issue an official receipt bearing its registered name and address in all transactions relating to LPG which shall specifically set out —

	<ul style="list-style-type: none"> (i) its registered name and address, (ii) the quantity and price of LPG sold, transported, filled or re-filled, (iii) the date of the transaction, and (iv) in the case of the sale of LPG in cylinders — <ul style="list-style-type: none"> (aa) the brand name of the product; (bb) the net weight and tare weight of a cylinder; (cc) the unit price per cylinder; and (dd) the cylinder serial number or unique identification number; and (f) establish and maintain an effective system or mechanism of monitoring and tracing its LPG cylinders. <p>(4) A person who contravenes the provisions of this regulation commits an offence.</p>
Protection of lives and property	<p>16. (1) A licensee shall, while storing, keeping, handling, conveying, using or disposing off LPG, take such precautions and exercise such care as may be reasonable under the circumstances in order to —</p> <ul style="list-style-type: none"> (a) avoid endangering the safety or health of any person, or the safety of any person's property; and (b) prevent risk of environmental harm. <p>(2) A licensee or a dealer shall dispose off any waste related to LPG business in a manner and at a place intended for the safekeeping and safe disposal of such products pursuant to applicable laws and approved standards and specifications.</p>
Compensation for loss suffered	<p>17. (1) A licensee shall be obliged to compensate any person who has suffered any loss as a result of his or her licensed regulated activity.</p> <p>(2) Without prejudice to the rights and obligations given under any existing laws, any person who has suffered loss as a result of a licensed regulated activity shall —</p> <ul style="list-style-type: none"> (a) lodge a complaint with a licensee whose regulated activity has caused such loss with a view to reaching an amicable settlement; and (b) notify the Authority of the complaint. <p>(3) In the event no settlement is reached under subregulation (2), the person who has suffered loss may refer the matter to the Authority for a decision on the matter and the Authority shall deal with such matter as if it is a complaint lodged pursuant to the provisions of the Act and the Botswana Energy Regulatory Authority (Complaints Settlement Procedures) Regulations.</p> <p>(4) For the purpose of this regulation, a person includes an administrator, executor or executrix of the estate of a deceased person.</p>
Cap. 74:11 (Sub. Leg.)	
Insurance	<p>18. A licensee shall ensure that he or she procures and maintains adequate insurance cover for the environment and personnel, customers, consumers and visitors of a regulated facility.</p>
Maintenance of records, provision and disclosure of information	<p>19. A licensee shall, at all times —</p> <ul style="list-style-type: none"> (a) keep complete and accurate records and data related to its regulated activity; and (b) in accordance with the Authority's requirements and pursuant to the directions of the Authority, promptly provide the Authority with documents, records or information related to the licensee's regulated activity.
Customer service standards	<p>20. Subject to approval by the Authority and as specified in the guidelines issued by the Authority, a licensee shall —</p> <ul style="list-style-type: none"> (a) establish — <ul style="list-style-type: none"> (i) a code of practice on consumer protection,

- (ii) service quality standards,
 - (iii) key performance standards,
 - (iv) procedures for handling customers complaints,
 - (v) programmes to inform the public on services related issues, and
 - (vi) an office to receive and respond to questions, concerns and complaints related to its business; and
- (b) maintain trained staff to address customer issues in a timely and transparent manner.

PART IV — *Environmental Protection*

21. (1) A licensee shall comply with the requirements of all applicable environmental laws and standards related to a facility as appropriate. Compliance with environmental laws and standards

(2) Subject to applicable laws, a licensee shall —

- (a) carry out an environmental assessment before establishing a facility, or making a major improvement to an existing facility;
- (b) take all necessary preventive measures to avoid pollution resulting from its operations;
- (c) observe strict environmental, health, and industrial safety standards; and
- (d) perform an environmental audit related to the regulated activity.

(3) For the purposes of subregulation (2) (a) “major improvement” means any change that is aimed at —

- (a) expanding or reducing the size of the facility; or
- (b) increasing or reducing the number of storage containers.

(4) Any person other than a licensee that is engaged in any business that entails handling of LPG, such as cylinder revalidation plant shall be obliged to observe and maintain their plant and operations in a manner that does not pose danger to human life and environment.

22. Where the Authority determines that a licensee has contravened the licence conditions, the Act, these Regulations or any relevant regulated sector legislation on matters related to the protection of the environment, the Authority shall take appropriate actions pursuant to the provisions of applicable laws. Sanctions for events of violations of environmental laws

PART V — *Technical Obligations of a Licensee*

23. A licensee shall comply with the approved standards and specifications pertaining to the handling, storage, transportation and quality of LPG which are consistent with the Act, relevant regulated sector legislation and these Regulations. Compliance with approved standards and specifications

24. (1) A licensee shall —

- (a) not use any cylinder for storage, handling, filling or re-filling of LPG unless such cylinder is completely leak-proof, undamaged and suitable and safe for such storage, handling, filling or re-filling;
 - (b) keep a record of the pre-filling inspections;
 - (c) not use a cylinder that poses or may pose a significant risk of environmental harm or to the safety or health of any person or property;
 - (d) ensure all cylinders are marked according to the provisions of applicable standards; and
 - (e) ensure that all cylinders in his or her possession are sealed after filling or re-filling.
- Prohibition on use of cylinders and seals

(2) The seal described in subregulation (1) (e) shall be of the type that LPG cannot flow out of the cylinder before the seal is broken or destroyed.

(3) A licensee who is in possession of a cylinder which is for sale that has —

- (a) no seal; or
- (b) broken seal,

commits an offence.

(4) A wholesaler shall seal cylinders.

(5) A licensee shall keep a record of all cylinders filled for a particular batch and which record shall include but not limited to —

- (a) the serial number;
- (b) tare mass;
- (c) gross mass;
- (d) batch number;
- (e) seal number; and
- (f) date of filling.

Prohibition to decant

25. A person shall not fill, re-fill or decant a cylinder at any place other than a wholesaler's place of business.

Prohibition on under-filling
Cap. 43:06.

26. (1) A wholesaler, or a retailer shall ensure that cylinders carry the net LPG quantity as required by the provisions of the Weights and Measures Act.

(2) A cylinder —

- (a) without a seal;
- (b) with a broken seal; or
- (c) that has a seal that has been tampered with,

shall raise a rebuttable presumption that such cylinder is under-filled.

(3) A licensee who is in possession of an under-filled cylinder that has not been identified as under-filled or that has not been removed from a facility or a retail outlet, shall raise a presumption that such cylinder is for sale.

Use of calibrated weighing scales

27. A wholesaler or a retailer shall —

- (a) at all times maintain at his or her regulated facility or a retail outlet, as the case may be, a weighing scale suitable for cylinders and such weighing scale shall be calibrated and sealed by a competent authority; and
- (b) prior to selling or offering for sale ensure by weighing, that the LPG in a cylinder meets the required quantity.

Marking of cylinders

28. (1) A cylinder shall bear a distinct colour or combination of colours and be clearly labelled with —

- (a) the wholesaler's trade name;
- (b) the cylinder's serial number;
- (c) the date of the last major service;
- (d) safety precautions label; and
- (e) any other additional markings as required by the approved applicable standard.

(2) A wholesaler shall —

- (a) register a distinguishing colour or combination of colours with the Authority; and
- (b) not use a colour or combination of colours already registered and in use by another wholesaler.

(3) Notwithstanding the provisions of subregulations (1) and (2), where upon the coming into operation of these Regulations there are more than one wholesaler using the same colour or combination of colours, each wholesaler may continue using the same colour or combination of colours.

(4) A wholesaler under subregulation (3) who uses the same colour or combination of colours as another wholesaler shall —

(a) be at liberty to change the colour or combination of colours if he or she so wishes; and

(b) where he or she changes the colour or combination of colours in terms of paragraph (a), register the new colour or combination of colours with the Authority.

29. (1) A licensee shall ensure that a sales invoice for each shipment of LPG includes —

Loading and offloading of LPG

(a) the name of the licensee, bulk consumer or consumer, as the case may be;

(b) the quantity, including temperature and density for bulk;

(c) date of delivery; and

(d) the delivery point.

(2) A LPG shall be off-loaded only by, or in the presence of a customer, a bulk consumer or their representative.

30. (1) A wholesaler shall, upon re-filling, ensure that a cylinder valve and a safety valve are properly closed and sealed to protect it against a leak and tampering.

Cylinder sealing

(2) A licensee shall not import, sell, fill, re-fill or distribute an LPG in a cylinder that has —

(a) a broken or defective seal; or

(b) not been properly closed and sealed in accordance with subregulation (1).

31. A person shall not engage in any activity that may deceive, mislead, or have the effect of deceiving or misleading the customer or consumer, with respect to —

Deceptive trade practices

(a) the brand name of the LPG; or

(b) LPG's composition, grade or quantity.

32. (1) A licensee shall —

Storage of LPG

(a) locate, construct, maintain and operate its works connected with storage of LPG in accordance with these Regulations, respective licence, applicable laws and approved standards and specifications;

(b) ensure that all LPG installations within its control are carried out by a licensed installer in accordance with the approved standards and specifications; and

(c) conduct its regulated activity or LPG retail business as the case may be, in such a way so as not to endanger public health or safety.

(2) A licensee shall —

(a) mark with conspicuous signs on the place on which the storage tanks and cylinders are located;

(b) separate empty and filled containers; and

(c) label the storage areas of tanks and cylinders, in accordance with the applicable approved standards and specifications.

(3) A licensee shall, when storing LPG, employ appropriate safeguards, including elevating a storage tank above the ground and placing a storage tank on a concrete pad, to ensure that a leak is easily detected.

(4) A licensee shall, where he or she intends to replace or install equipment at a regulated facility or a part thereof, submit detailed design drawings prior to commencing such replacement or installation in order to allow the Authority to make necessary inspections and issue the necessary approval.

(5) A licensee shall ensure that any equipment used in a regulated activity are —

- (a) calibrated, tested and maintained by relevant authorised persons; and
- (b) compliant with other legislative requirements.

Provision of
fire protection
equipment

33. (1) Pursuant to the provisions of the Act and any relevant regulated sector legislation, a licensee shall provide and maintain adequate fire protection equipment or systems at a facility as appropriate and as guided by the approved standards and specifications.

(2) Notwithstanding the generality of subregulation (1), a licensee shall ensure that a facility is equipped as appropriate and as may be applicable with —

- (a) any emergency equipment required by the Act and the relevant regulated sector legislation or approved standards and specifications for use in an emergency situation;
- (b) a fire protection system as guided by the approved standards and specifications to fight fires in the facility; and
- (c) fire extinguishers of the specified types and sizes as specified in the approved standards and specifications.

(3) A licensee shall position the equipment referred to under subregulation (2) at a facility where a LPG is loaded, handled, offloaded or delivered, in —

- (a) an accessible place; and
- (b) accordance with the approved standards and specifications.

(4) A licensee shall, not less than once a year, test the equipment referred to in subregulation (2) in accordance with its specification, the provisions of the Act, relevant regulated sector legislation approved standards and specifications.

Development of
emergency plan

34. (1) A licensee shall develop an emergency plan that shall include —

- (a) steps or procedures for managing incidents and accidents;
- (b) a suitable and adequate fire-fighting plan that comprises —
 - (i) the types and locations of all fire-fighting equipment, and
 - (ii) an action plan that identifies, among others assembly points, emergency exists and the tasks of employees;
- (c) provisions for training of employees, at least every two years, to deal with an emergency situation and the records of which shall be preserved;
- (d) provisions of first aid training of employees;
- (e) first aid facilities that are kept up to date and inspected monthly of which record shall be preserved;
- (f) relevant formal appointments such as fire marshals and first aiders with specific tasks to be performed by each in the case of an emergency situation; and
- (g) carrying out regular emergency response drills of which records shall be kept and corrective action plans emanating from the drills shall be actioned and such records preserved.

(2) The emergency plan referred to under subregulation (1) shall be made available to —

- (a) persons employed in or on the relevant premises; and
- (b) the Authority on request.

Decommissioning
procedure

35. (1) A regulated facility may, subject to the provisions of this regulation, be decommissioned —

- (a) after receipt of a written approval from the Authority following a written application for a decommissioning from a licensee;

- (b) by an order of the Authority where the Authority is satisfied that the regulated facility has been abandoned by a licensee for a period of not less than six consecutive months; or
- (c) by an order of the Authority where the Authority is satisfied that the continued operation of the regulated facility poses a danger to lives, property and environment.

(2) A licensee shall in the event that he or she seeks to decommission a regulated facility, apply, in writing, to the Authority not less than 30 days prior to the decommissioning in order to enable the Authority to make necessary inspections and issue necessary approvals.

(3) Notwithstanding any provision of these Regulations, a licensee shall pay all costs associated with the decommissioning of a regulated facility, whether the decommissioning is done following the request by the licensee or by an order of the Authority.

(4) A licensee shall comply with all regulatory and legislative provisions such as environmental impact assessments as may be applicable, when decommissioning a regulated facility.

36. (1) A licensee shall, before decommissioning a regulated facility, restore the area on which the regulated facility is located, to the area's original state so that the area does not pose a threat to the environment or the safety and health of the public.

Site restoration

(2) The Authority shall, after completion of the restoration of a regulated facility to its original state by a licensee, and where the Authority is satisfied with the said restoration, issue the licensee with a certificate of compliance in accordance with Form E set out in Schedule 1, confirming such restoration.

(3) For the purposes of subregulation (1) "restore" means —

- (a) to return the area in which a regulated facility is located to its original and natural state as it was before the construction and installation of the facility; or
- (b) to render the area in which a regulated facility is located, or part thereof, compatible with its intended after-use, including —
 - (i) removing buildings, structures, plant and debris,
 - (ii) establishing of compatible contours and drainage,
 - (iii) replacing top soil,
 - (iv) re-vegetation,
 - (v) slope stabilisation, or
 - (vi) infilling of excavations.

(4) The Authority shall, before issuing a certificate of compliance under subregulation (2), consult the Department responsible for environmental affairs or any other relevant authority.

37. (1) A person shall not carry out LPG installations or install any LPG equipment unless he or she has been registered with the relevant authority as a licensed installer or contractor.

Performing
LPG
installations

(2) In the absence of a relevant authority registering licensed installers or contractors for the purposes of subregulation (1), the Authority shall keep a register of competent LPG installers in accordance with Form F set out in Schedule 1.

(3) A person wishing to be registered by the Authority as a competent LPG installer shall apply, in writing, to the Authority and submit evidence —

- (a) that he or she has adequate skilled personnel who have undergone training on LPG installers courses or approved standards and specifications dealing with installations;
 - (b) of at least three years of LPG installations experience with traceable references; or
 - (c) of at least three LPG installations he or she previously carried out.
- (4) The Authority shall, before registering an applicant under subregulation (3), assess the evidence of installations referred to under subregulation (3) (b) for compliance with the applicable approved standards and specifications.
- (5) An application under subregulation (3) shall be accompanied by an administrative fee as may be determined by the Authority.
- (6) In the case where the Authority registers competent a LPG installer, the Authority shall issue the registered installer with a certificate of registration in accordance with Form G set out in Schedule 1.

PART VI — Compliance and Enforcement

Power to enter, search and close regulated facility, building or premises

38. (1) Notwithstanding any provision in these Regulations, an inspector shall have the right and obligation to enter upon any facility, building or premises and close it down where he or she determines that a regulated activity being conducted therein is in contravention of the Act and these Regulations.

(2) An inspector may, while discharging his or her obligation under subregulation (1), seek the assistance of law enforcement institutions including the police and such institutions shall provide the requested assistance to the inspector.

Inspection of regulated facility

39. (1) The Authority shall have the right to access and inspect a regulated facility, a retail outlet, a vehicle or transporting equipment and documents.

(2) A licensee or operator shall, where the Authority accesses and inspects a regulated facility, retail outlet, vehicle, equipment and documents, render such assistance to inspectors as may be required in the course of such inspection.

(3) During inspection, an inspector may —

- (a) take samples of any substance or articles stored in a facility, retail outlet or vehicle;
- (b) make copies or take extracts from any book, accounts or records kept on a facility, retail outlet or in the vehicle;
- (c) inspect machinery, equipment, appliances, meters, fittings and apparatus;
- (d) inspect any suspected vehicle that is found in a regulated facility or at a retail outlet or any place outside a regulated facility or retail outlet reasonably suspected to have been used or intended to be used in the contravention of these Regulations; and
- (e) stop or suspend an activity where he or she is convinced that the continuation of such an activity endangers property, environment or a person's life.

(4) Where an inspector stops an activity, he or she shall —

- (a) inform the licensee by filling in Form H set out in Schedule 1, stating reasons and the dangers that has caused the stopping or suspension of such an activity; and
- (b) transmit to the Chief Executive Officer, a copy of the completed Form II.

(5) An activity that has been stopped in accordance with subregulation (3) (e), may only be resumed —

- (a) when the corrective or preventive actions have been put in place and the danger no longer exists; and
- (b) after an inspector has issued in writing, an authorisation for the continuation of the activity.

40. (1) During inspection an inspector shall be required to —

- (a) identify himself or herself to a licensee or customer with an identity card issued by the Authority;
- (b) explain to a licensee or customer the purpose of the inspection;
- (c) conduct himself with fairness, objectivity and integrity;
- (d) not engage in any form of discrimination, bias or harassment;
- (e) refrain from taking part in a duty where he or she has or may appear to have conflict of interest;
- (f) carry out inspection in a professional manner in accordance with the requirements of these Regulations, codes, guidelines, inspection checklist, approved standards and specifications, applicable laws or Standards and Petroleum Industry Best Practices;
- (g) not solicit or accept any bribe nor engage in any corrupt or perceived corrupt activity; or
- (h) not use force or abusive, threatening or insulting language to a licensee, or any person.

Obligation of
inspector during
inspection

(2) A person who is aggrieved by an act of an inspector during inspection may, within 14 days from the date of the act, report the matter in writing to the Authority.

41. A licensee shall not —

- (a) hinder or obstruct an inspector in the exercise of any of the powers conferred upon the inspector under these regulations;
- (b) use abusive, threatening or insulting language to an inspector;
- (c) deny or fail to comply with a requirement, direction or notice of an inspector;
- (d) offer or attempt to offer a bribe to the inspector or solicit a favour from the inspector or any other corrupt or perceived corrupt activity; or
- (e) when required by the Authority to answer a question, deny or fail to answer such question to the best of his knowledge, information and belief.

Prohibited acts
against
inspectors

42. The Authority may, while discharging its regulatory functions and where it finds that there is a continued contravention of the provisions of the Act or the relevant regulated sector legislation issue a Compliance Order to the person responsible for such contravention.

Issuance of
Compliance
Orders

43. (1) Where at the conclusion of an inspection under regulation 39 an inspector determines that any provision of the Act or relevant regulated sector legislation has been contravened, he or she shall notify the person responsible for the contravention.

Notification of
offences

(2) A person who has been notified of an offence may admit or dispute the offence and where he or she —

- (a) admits the offence, fill in Part A of Form I set out the Schedule 1; or
- (b) disputes the offence, fill in Part B of Form I set out in Schedule 1.

(3) The Authority shall, with seven days of notifying a person of an offence —

- (a) issue a Compliance Order to; and

(b) charge with a criminal offence,
the person who disputes an offence under subregulation (2) (b).

(4) Where at the conclusion of the inspection, the inspector is satisfied that the continued operation of the transport vessel or a facility poses an imminent danger to the lives of people or animals or destruction of property, he or she may order for the closure or impoundment, as the case may be, of the said facility or transport unit regardless of whether the said person has admitted to the offence or not.

(5) Notwithstanding the provisions of subregulation (4), an inspector who has decided to close a facility or to impound a transport vessel, shall note down the reasons which have compelled him or her to take such decision including all the available evidence.

PART VII — *Miscellaneous Provisions*

Offences and penalties

44. (1) Any person who contravenes any provision of these Regulations commits an offence and is liable to a fine not exceeding P5 000 or imprisonment for a term not exceeding six months, or to both.

(2) Without prejudice to subregulation (1), a wholesaler or dealer who —

(a) sells, offers for sale or distributes an under filled cylinder;

(b) fails or ignores to maintain a calibrated weighing scale in its facility as required under regulation 27;

(c) fails or refuses to maintain a weighing scale; or

(d) fails or refuses to weigh the LPG contents in a cylinder,
commits an offence.

(3) Notwithstanding the provisions of subregulation (2), a retailer shall return any cylinder that does not meet the applicable standards to a wholesaler.

(4) Notwithstanding the penalty provided in subregulation (1) any person who contravenes the provisions these Regulations may have his or her licence revoked in addition to the penalty in subregulation (1).

Approved standards

45. For the purposes of these Regulations, approved standards shall be those listed in Schedule 3.

Transitional provisions

46. (1) Any authorisation to engage in any activity or operation relating to an LPG regulated activity issued or granted before the commencement of these Regulations shall remain valid until its expiry date whereupon the holder of such authorisation shall apply under these Regulations for a licence.

(2) A person who, before the commencement of these Regulations conducts any activity under regulation 4 without a licence shall, not later than two months from the date of commencement, apply to the Authority for a licence.

SCHEDULES

SCHEDULE 1

FORM A
(Reg. 5(2))



APPLICATION FOR LPG WHOLESALE/ DISTRIBUTION LICENCE

For BERA Use Only	
Date Received:	File Number:

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Chief Executive Officer of BERA.

In order to avoid unnecessary delays, answer fully all items and submit to BERA all of the information required to consider this application. BERA will not process this application until it has been found to be complete.

Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. You should ensure that all required documentation are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application.

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)
2.	Registration Status: (Fill Where Appropriate) (a) Certificate of Incorporation No. (b) Memorandum and Articles of Association (where applicable) (c) Business licence No. (d) TIN No. (e) VAT No.

3.	<p>Physical and postal Address of the Facility:</p> <p>(a) Physical address:</p> <p>Street.....Plot No.....</p> <p>Block No.....Building No.....</p> <p>(a) Postal Address:</p> <p>(b) Telephone No.</p> <p>(c) Facsimile:Cellphone.....</p> <p>(d) E-mail address:</p>
4.	<p>Legal status of the Applicant:</p> <p><input type="checkbox"/> Sole Proprietorship</p> <p><input type="checkbox"/> Partnership</p> <p><input type="checkbox"/> Public Limited Liability Company</p> <p><input type="checkbox"/> Private Limited Liability Company</p> <p><input type="checkbox"/> Parastatal Organisation</p> <p><input type="checkbox"/> Government Agency</p> <p><input type="checkbox"/> Cooperative Society</p> <p><input type="checkbox"/> Joint Venture</p> <p><input type="checkbox"/> Other (specify).....</p>
5.	<p>Contact Person:</p> <p>(a) Name:</p> <p>(b) Title:</p> <p>(c) Physical address:</p> <p>Street.....Plot No.....</p> <p>(d) Postal Address:</p> <p>(e) Telephone Number:</p> <p>(f) Facsimile:Cellphone:</p> <p>(g) E-mail address:</p>
6.	<p>Application Fee and Method of Payment:</p> <p>(a) Amount: BWP.....</p> <p>(b) Mode: <input type="checkbox"/> Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Other (specify).....</p> <p>(c) Fees Payment Receipt No. (<i>Attach Copy</i>).....</p>

	PART II – ENCLOSURE
7.	<p>Attach the following documents/permits issued by relevant authorities (where appropriate):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Building Permit <input type="checkbox"/> Land Title <input type="checkbox"/> Business licence <input type="checkbox"/> Certificate of incorporation <input type="checkbox"/> Memorandum and Article of Association <input type="checkbox"/> TIN certificate <input type="checkbox"/> VAT Certificate <input type="checkbox"/> Proof of ownership of the filling plant and storage depot that conforms to the petroleum Industry best practises <input type="checkbox"/> Hospitality agreement <input type="checkbox"/> Oil and Lubricant handling permit <input type="checkbox"/> adequate skilled personnel (personnel's profile) <input type="checkbox"/> proof of financial capability being either an audited financial statements showing an annual gross turnover of not less than P 150 000,00 or a bank statement showing a credit balance of not less than P 50 000,00 or a bank guarantee or a credit facility of not less than P 150 000,00 <input type="checkbox"/> Environmental Impact Assessment certificate <input type="checkbox"/> Fire Certificate from the Fire Service <input type="checkbox"/> Memoranda of understanding (if any) governing commercial transactions of regulated goods and services, <input type="checkbox"/> List of the Applicant's intended customers
8.	<p>PART III – DECLARATION BY THE APPLICANT</p> <p>I..... (insert name) being..... (insert title/ position) hereby declare that I am authorised to make this application on behalf of the applicant (insert the name of the applicant.....). I further declare that to the best of my knowledge the information supplied herein is correct.</p> <p>SWORN/AFFIRMED at.....by the said.....on this..... day of20.....</p> <p>_____ DECLARANT</p> <p>BEFORE ME:</p> <p style="text-align: right;">_____ COMMISSIONER OF OATHS</p> <p>NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the BERA Head Office.</p>

FORM B
(Reg. 6 (1))



APPLICATION FOR CONSTRUCTION OF LPG FACILITY LICENCE

IMPORTANT NOTES:

1. Complete this form and submit (with all relevant enclosures) to the Chief Executive Officer of BERA.
2. To avoid delays, answer fully all items and submit ALL required information. You may submit your application electronically or by hand to BERA offices. This application will not be processed until it has been confirmed to be complete.
3. Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. You should ensure that all required documentation are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application.

For BERA Use Only	
Date Received:	File Number:
Amount paid in BWP:	Receipt No. (Attached Copy):

PART I:	APPLICANT'S DETAILS (attach copies of the documents as applicable)
Applicant's name:	
Trading name:	
Company Registration number:	
VAT No.	
TIN No.	

APPLICANT'S ADDRESSES:			
Physical address:	Plot/Lot: _____		
	Street name: _____		
	Block No. _____		Building No. _____
Postal Address:	_____		
(contact person name)		(designation)	
(telephone)	(facsimile)	(cellphone)	(e-mail)
APPLICANT'S LEGAL STATUS: (tick ✓ as applicable)			
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Public Limited Liability Company
<input type="checkbox"/>	Parastatal	<input type="checkbox"/>	Government Agency
<input type="checkbox"/>	Other	(specify): _____	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Private Limited Liability Company
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cooperative Society
PART II: APPLICANT'S FINANCIAL DETAILS (Provide proof of financial capability which is either)			
<input type="checkbox"/>	a bank guarantee or credit facility of not less than P 1 500 000.00 or equivalent in convertible currency;		
<input type="checkbox"/>	a deposit bank statement showing a credit balance of not less than P 150 000.00 or equivalent in convertible currency at a bank or financial institution licensed by the Bank of Botswana to act as such;		
<input type="checkbox"/>	an audited financial statement showing annual gross turn over of not less than P 1 500 000.00 or equivalent in convertible currency.		
APPLICANT'S BUSINESS PLAN AND DESCRIPTION OF BUSINESS ACTIVITY: (tick ✓ as applicable)			
<input type="checkbox"/>	Attached Business Plan (including proposed 5-year investment plan and detail of sources of funding and supporting documentation)		

Description of the applicant's business activity <i>(Use additional Sheet if Necessary)</i>					
PART IV: TECHNICAL INFORMATION					
Type(s) of facility to be constructed:					
	LPG FILLING PLANT		LPG STORAGE FACILITY	PIPELINE	
				OTHER	
Are you in possession of a market licence with another licensee?				YES	NO
Give additional information or attach the documents					
Detailed description of land ownership, location and capacity of the facility <i>(including technical drawings)</i>					
<i>(Use additional sheet if necessary)</i>					
List and attach evidence of all required permits and consents issued by relevant authorities					
	Land Title and Planning/Building Permit Certificate:				
	Engineering Drawings:				
	Other (specify):				
PART V:	HEALTH, SAFETY AND ENVIRONMENT (HSE) <i>(Attach relevant documents)</i>				
	EIA certificate:				
	Other (specify):				

FORM C
(Reg. 11 (1))



APPLICATION FOR RENEWAL OF LICENCE

For BERA Use Only	
Date Received: _____	File Number: _____

IMPORTANT NOTE: Complete this form and return it with all other relevant enclosures to the Chief Executive Officer of BERA.

In order to avoid unnecessary delays, answer fully all items and submit to BERA all of the required information. You may submit your application electronically or by delivering the same to BERA offices. BERA will not process this application until it has been found to be complete.

Where options are given, tick the relevant box. Leave no item unanswered or un-ticked. If an item seems not applicable to the specific application, you should indicate with block capitals N/A meaning Not Applicable. You should ensure that all required documentation are enclosed and that each separate sheet of information attached to the application corresponds to a specific item in the application.

PART I: DETAILS OF THE APPLICANT	
1.	Name of Applicant (Insert trading name)
2.	Registration Status: (Fill Where Appropriate) (a) Certificate of Incorporation No. (b) Certificate of Compliance No. (c) Business licence No. (d) TIN No. (e) VAT No.
3.	Address of facility (a) Physical address: Street. Plot No. (b) Postal Address: (c) Telephone No. (d) Facsimile: Cellphone. (e) E-mail address:

4.	<p>Legal status of the Applicant: Sole Proprietorship Partnership Public Limited Liability Company Private Limited Liability Company Parastatal Organisation Government Agency Cooperative Society Joint Venture Other (specify).....</p>
5.	<p>Contact Person: (a) Name: (b) Title: (c) Physical address: Street.....Plot No..... (d) Postal Address: (e) Telephone Number: (f) Facsimile:Cellphone: (g) E-mail address:</p>
6.	<p>Details of the Current Licence Type of a licence:..... Licence No. Date Issued..... Expiry Date.....</p>
7.	<p>Has the licensee undergone any material changes (structural, legal, managerial or related to the services supplied) since its previous application? Yes – If yes, provide details..... (Use additional Sheet if Necessary)</p>
8.	<p>Application Fee and method of payment: (a) Amount: BWP..... (b) Mode: Cash Cheque Other (specify)..... (c) Fees Payment Receipt No. (Attach Copy).....</p>

PART II - DECLARATION BY THE APPLICANT

I..... (insert name) being..... (insert title/ position) hereby declare that I am authorised to make this application on behalf of the applicant and that to the best of my knowledge the information supplied herein is correct and that within a reasonable period of time after notice, I undertake to provide whatever additional information BERA may require in order to evaluate this application.

SWORN/AFFIRMED at.....by the said.....on this..... day of 20.....

DECLARANT

BEFORE ME:

COMMISSIONER FOR OATHS

NOTE: If this application form is completed electronically it must be printed out, signed before a Commissioner of Oaths and submitted with the necessary supporting documents and submitted to the BERA Head Office.

FORM D
(Reg. 12 (1))



APPLICATION FOR TRANSFER OF A LICENCE

This section to be completed by the Current Licensee			
		Current Licensee to complete as appropriate	
Current Licensee's name			
Name and address of the Transferor			
Reason for Transfer (attach documentary proof)			
Address of the Licensed Facility			
		Postcode	Tel No.
		Email address	
Licence Particulars		Type of Licence:	
		Licence No.	
		Licence Duration:	
		Expiry Date:	
I agree to the Licence being transferred to the applicant(s) below:			

Name and physical Address of the Transferee :		Date:	
Business Organisation (Sole proprietor, Company, Partnership)		Position:	
Principal Officer (only if the transferee is a company or partnership)		Date:	Company Seal
		Signature:	
Names of Partners or Shareholders		1.	
		2.	
		3.	
		4.	
		5.	
		6.	
		7.	

This section to be completed by the Applicant(s)

1. I, the undersigned, being the new occupier of the premises detailed in the application, hereby apply for the transfer of the current licence and I hereby declare that the information stated herein in regard to the transferee are true to the best of my knowledge.

2. In the event of a licence being transferred, I agree to abide by the conditions laid down by BERA and applicable laws, and not to alter in any way the approved arrangements of the premises without the written approval of BERA, nor use the said premises for any other purpose than those prevailing at the time the licence is transferred;

Date			
Signed:		Position:	
Print Name			

Ownership of the site comprising the licensed facility.
 If the transferor is not the owner of the site (i.e. a tenant), enter below the name and address of the owner or owners, as the case may be:

Details	Transferor to complete if applicable		
Name (of owner)			
Address:			
Post Code		Tel No.	
Email			

Fee BWP	Payable to: BERA Account:
----------------	-------	--

Notes

1. The applicant(s), (if an individual person or partnership) must be over 18 years of age.
2. By signing the form both the transferee and transferor declare that they are authorised to make this application and that the information supplied there herein is correct.
3. This application together with the appropriate fee, should be forwarded to the Chief Executive Officer, BERA at

The application should be attached with the following documents;-

1. The original copy of a valid BERA licence in respect of the licensed facility;
2. Certified copy of Tax Clearance in respect of the licensed facility;
3. Lease/ Sale agreement stamp duty paid;
4. Company Registration documents;
5. Transmission document (in case the type of transfer if by transmission i.e. death or order of the Court);
6. Proof of payment of transfer application fee; and
7. Any other document that will be required at the time of transfer.

FORM E
(Reg. 36 (2))



COMPLIANCE CERTIFICATE

This is to satisfy that

..... (Name of Licensee)

has been inspected and found to be compliant with BERA's required standards and any other applicable law.

Awarded on this.... day of, 20.....

Chief Executive Officer

FORM F
(Reg. 37 (2))



REGISTER OF COMPETENT LPG INSTALLERS

The following installers have been registered with the Authority as competent LPG installers;

Name of Installer	Date of Registration	Registration Number

FORM G
(Reg. 37 (6))



CERTIFICATE OF REGISTERED INSTALLER
Reg No BERA

I HEREBY CERTIFY THAT

is this day Registered under the Botswana Energy Regulatory Authority (Liquefied Petroleum Gas Operations) Regulations

.....
.....

GIVEN under my hand this..... day of....., 20.....

CHIEF EXECUTIVE OFFICER

FORM H
(Reg. 39 (4) (a) and (b))



NOTIFICATION OF SUSPENSION OF ACTIVITY

To:

I hereby notify you that your licensed activity under licence number is hereby suspended with effect from day of20... until further notice.

The suspension is a result of the following reasons

- 1.
- 2.
- 3.

GIVEN under my hand this day of, 20.....

INSPECTOR

FORM I
(Reg. 43 (2))



NOTIFICATION OF OFFENCE

To..... Address.....

1. You are charged with the following offence (s):

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

- 2. If you **WISH** to admit commission of the offence (s) you should complete **"PART B"** below and send this notification, together with the statutory penalty for each offence to which you admit, to the Authority within 14 days from the date of service of this notification.
- 3. If you **DO NOT WISH** to admit to have committed the offence (s) you are required to complete **"PART A"** below and send this notification to the Chief Executive Officer of the Authority together with answers, in writing, to the charges mentioned above, within seven days from the date of service of this notification.
- 4. Penalty for each offence mentioned above shall be as provided for under the Botswana Energy Regulatory Authority Act and the Botswana Energy Regulatory Authority (Liquefied Petroleum Gas Operations) Regulations or any other laws relevant to the conduct of the LPG Wholesale Business, LPG Transportation Business or LPG Retail Business.

PART "A" – NOTIFICATION OF INTENTION TO ANSWER CHARGES

I of Residential or business address) being the (owner/director/manager/representative) of..... intend to respond to the Authority on the charge (s) Nos..... set out in Paragraph 1 of this Notification.
Signature:

Date:

PART "B" – ADMISSION OF OFFENCE

I of..... residential or business address) being the (owner/director/manager/representative) of..... plead guilty to the charge (s) Nos..... set out in Paragraph 1 of this Notification and I undertake to pay the requisite fine of BWP..... within a period of 14 days from the date hereof.

Signature:

Date:

FACILITY/VEHICLE/VESSEL DETAILS

Motor Vehicle Reg. No.....

LPGWL /LPGDL No.

Vessel Registration No.

Signature of the person issued with the notification

.....

ISSUED BY

Name:

Designation:

Date:

Signature of the Inspector

.....

SCHEDULE 2
(Regs. 5 (2), 6 (2), 9 (4), 11 (2), 12 (2) and 14 (2))



FEES

Fee Type		Application Fee (BWP)	Renewal Fee (BWP)
Liquefied Petroleum Gas	Storage <30,000L Liquefied Petroleum Gas	2 500.00	2 500.00
	Loading, discharge facilities	5 000.00	5 000.00
	Storage >30,000L Liquefied Petroleum Gas	5 000.00	5 000.00
	Import/Export	2 500.00	2 500.00
	Retail	2 500.00	2 500.00
	Pipeline	30 000.00	30 000.00
	Manufacturing (other than small scale e.g., biofuels)	30 000.00	30 000.00
	Construction	2 500.00	2 500.00
Transfer of Licence	5 000.00		
Change of Particulars	5 000.00		
Collection fee	10.00		

SCHEDULE 3
(Reg. 45)



LIST OF APPROVED STANDARDS

The following are a list of approved standards

Standard	Title
BOS 3	The handling, storage and distribution of LPG

MADE this 25th day of August, 2022.

LEFOKO M. MOAGI,
Minister of Minerals and Energy.