

NATIONAL PETROLEUM AUTHORITY (BULK ROAD VEHICLE TRACKING AND VOLUME MONITORING) REGULATIONS, 2016 (L.I. 2251)

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IN exercise of the power conferred on the National Petroleum Authority by section 80 (1)(n) of the National Petroleum Authority Act, 2005 (Act 691),. these Regulations are made this 12th day of October, 2016.

Preliminary Provisions

Purpose of Regulations

1. The purpose of these Regulations is to provide for a bulk road vehicle tracking scheme to

(a) monitor the distribution of petroleum products

(1) between bulk supply points,

(ii) from bulk supply points to delivery points, and

(iii) from bulk supply points to bulk customer points; and

(b) detect and prevent violations in the distribution of petroleum products

(i) between bulk supply points,

(ii) from bulk supply points to delivery points, and

(iii) from bulk supply points to bulk customer points.

Application of Regulations

2. (1) These Regulations apply to

- (a) a petroleum service provider,
- (b) an authorised agent of a petroleum service provider,
- (c) a bulk road vehicle tracking service provider, and
- (d) an authorised agent of a bulk road vehicle tracking service provider

(2) For purposes of subregulation (1), an authorised agent of a petroleum service provider includes

- (a) an oil marketing company;
- (b) a liquefied petroleum gas marketing company;
- (c) a transporter of a bulk road vehicle; and
- (d) a driver and a driver's mate of a bulk road vehicle.

Bulk Road Vehicle Tracking Scheme

3. (1) The Authority shall, for the purposes of these Regulations, establish a Bulk Road Vehicle Tracking Scheme.

(2) The Authority shall ensure the efficient operation of the Scheme.

(3) A bulk road vehicle tracking service provider shall collaborate with the Authority and other agencies to ensure the efficient and effective operation of the Scheme.

Procurement of a bulk road vehicle tracking service provider

4. (1) The Authority shall procure the services of a bulk road vehicle tracking service provider in accordance with the Public Procurement Act, 2003 (Act 663).

(2) The Authority shall, through the procurement process, ensure that a bulk road vehicle tracking service provider has the proven technical and financial capacity to provide the services required by the Authority.

Bulk Road Vehicle Tracking Service Provider

Responsibilities of a bulk road vehicle tracking service provider

5. (1) The bulk road vehicle tracking service provider shall provide a bulk road vehicle tracking system to monitor the distribution of petroleum products by the bulk road vehicle

- (a) in accordance with the Unified Petroleum Price Fund Scheme; and
- (b) for the purpose of any other distribution activity designated by the Authority.

(2) A bulk road vehicle tracking service provider is responsible for

- (a) the installation of tracking devices approved by the Authority, on each bulk road vehicle licensed by the Authority and which is used for the transportation of petroleum products;
- (b) the provision of information on the bulk road vehicle tracking system to the Fund Management Committee;
- (c) maintaining the integrity of the bulk road vehicle tracking system;
- (d) upgrading the bulk road vehicle tracking system;
- (e) inspection of the tracking devices and the calibration of the bulk road vehicle; and
- (f) any other function that may be agreed between the bulk road vehicle tracking service provider and the Authority.

Installation of tracking devices

6. (1) A bulk road vehicle tracking service provider shall not install a tracking device on a bulk road vehicle unless that bulk road vehicle tracking service provider has a written approval from the Authority.

(2) A bulk road vehicle tracking service provider shall ensure that the location and process for the installation of tracking devices on a bulk road vehicle does not contravene a standard set by a regulatory authority.

(3) For purposes of subregulation (2), "regulatory authority" includes

- (a) the Environmental Protection Agency;
- (b) the Ghana National Fire Service;
- (c) the Standards Authority;
- (d) a District Assembly; and
- (e) any other relevant body that the Authority may determine.

Bulk road vehicle tracking certification

7. (1) A bulk road vehicle tracking service provider shall, on completion of the installation of a tracking device on a bulk road vehicle, issue an installation certificate as set out in the First Schedule, in respect of the bulk road vehicle.

(2) An installation certificate is not valid unless it bears the authorised signature of the bulk road vehicle tracking service provider.

(3) A bulk road vehicle tracking service provider shall issue to a petroleum service provider,

- (a) a bulk road vehicle tracking inspection certificate as set out in the Second Schedule,
- (b) a sticker, and
- (c) a bulk calibration certificate as set out in the Third Schedule if the state of the bulk road vehicle meets the requirement of the inspection and calibration checklist approved by the Authority.

Tracking and Monitoring of Petroleum Products

Tracking of petroleum products

8. (1) The Fund Management Committee shall use the bulk road vehicle tracking system to track and monitor the distribution of the following petroleum products under the Unified Petroleum Price Fund Scheme or any other distribution activity designated by the Authority:

- (a) diesel,
- (b) petrol,
- (c) kerosene,
- (d) premix fuel,
- (e) liquefied petroleum gas,
- (f) marine gas oil, or
- (j) (any other petroleum product that the Authority may determine,

(2) A petroleum service provider or the authorised agent of that petroleum service provider, in control of a bulk road vehicle transporting a petroleum product pursuant to the Scheme or any other distribution activity designated by the Authority, shall provide to the Authority information on that bulk road vehicle.

(3) For purposes of subregulation (2), the information shall include details of the

- (a) date of loading;
- (b) name of the loading depot;
- (c) name of the bulk distribution company which supplied the petroleum product
- (d) type of petroleum product being transported;
- (e) quantity of petroleum product being loaded;
- (f) intended delivery point;
- (g) registration number of the bulk road vehicle;
- (h) name of the transporter;
- (i) order number of the petroleum service provider;
- (j;) invoice number of the petroleum service provider; and
- (k) waybill number.

Monitoring of the distribution of petroleum products

9. The monitoring of the distribution of petroleum products by a bulk road vehicle commences at the stage of loading the petroleum product at a bulk supply point and ends after the petroleum product is delivered to any of the following:

- (a) another bulk supply point,
- (b) a delivery point, or
- (c) a bulk customer point.

Petroleum Service Provider

Responsibilities of a petroleum service provider

10. (1) A petroleum service provider shall

- (a) not transport a petroleum product in a bulk road vehicle unless that bulk road vehicle has
 - (i) installed on It tracking devices approved by the Authority under paragraph (a) of subregulation (2) of regulation 5; and
 - (ii) a valid permit issued by the Authority;
 - (b) present a bulk road vehicle that has been installed with tracking devices to the designated workshop of the bulk road vehicle tracking service provider every six months after the date of the installation of the devices for inspection and calibration;
 - (c) pay for the lease and cost of supply and installation of the tracking devices as approved by the Authority;
 - (d) pay a fee to be determined by the Authority for the calibration, inspection, repairs or maintenance of the tracking devices; and
 - (e) ensure that a Slicker issued by a bulk road vehicle tracking service provider under paragraph (b) of subregulation (3) of regulation 7 in respect of a bulk road vehicle is displayed at a conspicuous place on the windscreen of the bulk road vehicle at all times.
- (2) A petroleum service provider is responsible for the integrity of the tracking devices installed on the bulk road vehicle.

Duty to inform Authority

11. (1) A petroleum service provider shall, within seven days of the occurrence of any of the following events, inform the Authority of the occurrence of the event:

- (a) out of service of a bulk road vehicle;
- (b) involvement of a bulk road vehicle in an accident;
- (c) disposal of a bulk road vehicle;
- (d) decommissioning of a bulk road vehicle;
- (e) removal of a bulk road vehicle from the transportation of a petroleum product; and

(f) decoupling of the tractor of a bulk road vehicle from its trailer.

(2) Where the Authority is informed of an event under subregulation (1), the Authority shall ensure the removal of the tracking devices from the bulk road vehicle.

(3) The petroleum service provider or the authorised agent of that petroleum service provider shall ensure that the tracking device installed on a bulk road vehicle is not

Unified Petroleum Price Fund Fuel Delivery Note

12. A petroleum service provider or the authorised agent of that petroleum service provider who loads petroleum products at a bulk supply point for purposes of delivery to a delivery point, a bulk customer point or from one bulk supply point to another bulk supply point shall, within forty-eight hours after loading the petroleum product, obtain from the Authority, a Unified Petroleum Price Fund Fuel Delivery Note in the form set out in the Fourth Schedule in respect of the loaded bulk road vehicle,

Delivery and Diversion of Petroleum Products

Delivery of petroleum products

13. (1) A petroleum service provider or the authorised agent of that petroleum service provider shall not deliver a petroleum product to a place other than

(a) the delivery point,

(b) bulk customer point, or

(c) bulk supply point

as stated on the delivery invoices of the petroleum service provider.

(2) A petroleum service provider or the authorised agent of that petroleum service provider who delivers a petroleum product to a place other than a place specified under subregulation (1), shall obtain the written approval of the Authority.

Frustrated-delivery

14. (1) The discharge of a petroleum product by a petroleum service provider or the authorised agent of that petroleum service provider to a delivery point other than the intended delivery point, shall be deemed a frustrated delivery if the discharge is done four working days after the issuance of the original delivery note.

(2) A petroleum service provider shall, within twenty-four hours of a frustrated delivery, submit to the Authority, a Frustrated Delivery Note in the form set out in the Fifth Schedule.

Diversion of petroleum products

15. (1) A person shall not divert a petroleum product from the intended delivery point.

(2) The Authority shall consider a delivery under any of the following conditions as a diversion of the petroleum product:

(a) where a petroleum service provider fails to inform the Authority within the stipulated time in respect of a frustrated delivery under subregulation (2) of regulation 14; or

(b) where a petroleum service provider makes a frustrated delivery to a delivery point, bulk customer point, or bulk supply point that is not sponsored by that petroleum service

provider.

Miscellaneous Provisions

On-site verification

16. (1) The Authority may conduct an on-site verification to confirm the delivery of a petroleum product to a delivery point, bulk customer point or bulk supply point.

(2) Where the Authority conducts an on-site verification at a delivery point, bulk customer point or bulk supply point, the manager or dealer of the delivery point, bulk customer point or bulk supply point shall provide the Authority with all records on sales and consumption as requested by the Authority.

Access to bulk road vehicle tracking system

17. (1) A petroleum service provider may, under the terms and conditions determined by the Authority, subscribe to the monitoring interface of a bulk road vehicle tracking system. .

(2) A person who is not authorised by the Authority, shall not have access to the bulk road vehicle tracking system.

Validation of freight cost

18. (1) The information from the bulk road vehicle tracking system shall form part of the validation criteria for the payment of freight cost for the delivery of petroleum products under the Scheme or any other distribution activity designated by the Authority.

(2) The validation criteria referred to in subregulation (1) includes

(a) the volume of petroleum products discharged at a delivery point, a bulk customer point or a bulk supply point;

(b) the approved distance travelled by a bulk road vehicle to a delivery point, a bulk customer point or a bulk supply point;

(c) the delivery point, bulk customer point or bulk supply point confirmed by the bulk road vehicle tracking system;

(d) unauthorised breaking bulk;

(e) delivery to a delivery point, a bulk customer point or a bulk supply point that is not authorised;

(f) the use of a bulk road vehicle without the approved tracking device of the Authority;

(g) unauthorised delivery to a third party delivery point;

(h) unauthorised cross zonal delivery;

- (i) delivery to a suspended delivery point; and
- (j) delivery of gasoil to a mining site and a cell site.

Administrative penalties

19. (1) A petroleum service provider or an authorised agent of the petroleum service provider who transports petroleum products under the Scheme or any other distribution activity designated by the Authority with a bulk road vehicle that does not have the approved tracking device installed on it, is liable to

- (a) forfeit the payable freight cost; and
- (b) pay to the Authority an administrative penalty which is five times the forfeited freight cost.

(2) A petroleum service provider or an authorised agent of the petroleum service provider who transports a petroleum product under the Scheme or any other distribution activity designated by the Authority, using a bulk road vehicle with an Inspection or Calibration Certificate that has expired is liable to pay to the Authority an administrative penalty of one thousand penalty units.

(3) A petroleum service provider or an authorised agent of the petroleum service provider who fails to, within four days of loading petroleum products under the Scheme or any other distribution activity designated by the Authority, submit to the Authority, the delivery note and any other relevant document in respect of the loading, is liable to pay to the Authority an administrative penalty of five hundred penalty units.

Offences and penalties

20. (1) A petroleum service provider or an authorised agent of the petroleum service provider who is found to be in possession of an installation and inspection certificate determined not to have been duly authorised by the bulk road vehicle tracking service provider, commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand

penalty units or to a term of imprisonment of not less than one year and not more than two years or to both.

(2) A person who issues an installation or inspection certificate determined not to have been duly authorised by the bulk road vehicle tracking service provider, commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of

imprisonment of not less than one year and not more than two years or to both. system with the intent to falsify information in the system, commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(4) An officer of the Authority or agent of the bulk road vehicle tracking service provider who provides unauthorised access of the bulk road vehicle tracking system to any person, commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units

and not more than two thousand five hundred penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(5) A person who gains unauthorised access to the bulk road vehicle tracking system, commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(6) A person who diverts petroleum products in contravention of regulation 15 commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than two years and not more than five years or to both.

(7) A person who tampers with the bulk road vehicle tracking system commits an offence and is liable on summary conviction to a fine of not less than two thousand five hundred penalty units and not more than five thousand penalty units or to a term of imprisonment of not less than one year and not more than two years or to both and the petroleum service provider is liable to pay to the Authority the cost of repairs or

replacement of the tracking devices.

Interpretation

21. In these Regulations, unless the context otherwise requires,

"arty other distribution activity" means the loading and transportation of petroleum products outside the Scheme using a bulk road vehicle from a bulk supply point to a delivery point or to another bulk supply point;

"approved distance" means the verified distance as per the current book published by the Authority which contains distances from bulk supply points to delivery points and bulk customer points and used for the purposes of freight cost computation;

"breaking bulk" means the delivery of part of the total volume of a loaded petroleum product in a bulk road vehicle to multiple delivery points;

"bulk customer point" means the location registered with the Authority as the location where a bulk customer takes delivery of or discharges petroleum products;

"bulk road vehicle tracking service provider" means the company responsible for the supply, installation and maintenance of the bulk road vehicle tracking system;

"bulk road vehicle tracking system" means the total combination of tracking equipment, volume sensors, other hardware, software and associated parts employed in the implementation of the bulk road vehicle tracking project;

"delivery point" means the location of a retail outlet, bulk customer site sponsored by a petroleum service provider in accordance with these Regulations and as indicated on a

delivery note or delivery invoice issued by that petroleum service provider; ,-

"Distance Chart Book" means the book published by the Authority which contains the distances from a bulk supply point to delivery points and bulk customer points and used for the purposes of freight cost computation;

"District Assembly" includes a Metropolitan Assembly and a Municipal Assembly;

"diversion" means delivery of petroleum products to an unauthorised delivery point;

"emergency" means a situation that poses a threat to human life, property and the environment;

"freight cost" means the freight to be paid to a petroleum service provider depending on the approved distance travelled and the volume of petroleum product delivered to the designated delivery point;

"frustrated delivery" means an unplanned but necessary discharge of a petroleum product at a delivery point other than the intended delivery point;

"Installation Certificate" means a document certifying that a bulk road vehicle has been installed with the approved tracking devices;

"Inspection Certificate" means a document certifying that a bulk road vehicle has been duly inspected and passed after a biannual inspection of the tracking devices by the bulk road vehicle tracking company;

"intended delivery point" means the delivery point of the petroleum service provider or bulk customer as indicated on the initial delivery note issued before a frustrated delivery;

"monitoring software" means a software application which provides information on the movement of bulk road vehicles and the volumes loaded and offloaded in the

"relevant document" includes a Collection Order, Issued Depot Waybill, Delivery Note or Sales Invoice, Installation Certificate, Inspection Certificate and a recognised Bulk

Road Vehicle Driver's Union Identity Card;

"Scheme" means the Bulk Road Vehicle Tracking Scheme established under regulation 3;

"tampering" means unauthorised altering, hacking into or physical damage of the tracking devices or servers or other aspects of the Bulk Road Vehicle tracking system; and

"violation" means breach of or non-compliance With a rule or regulation made by the Authority to control the distribution of a petroleum product in the country.

INSTALLATION:

BRV REG. NUMBER

TRANSPORTER'S NAME

FIRST SCHEDULE

(Regulat/an 7(2))

Serial Number: ..

MR. RALPH ROLAND

Board Chairman, National Petroleum Authority

Date of Gazette notification: 13th October, 2016.

Entry into force: 6th January, 2017.