

(Legislative Supplement No. 75)

LEGAL NOTICE No. 124

THE PETROLEUM DEVELOPMENT FUND ACT, 1991

IN EXERCISE of the powers conferred by section 3(1) of the Petroleum Development Fund Act, 1991, the Cabinet Secretary for Petroleum and Mining makes the following Order—

THE PETROLEUM DEVELOPMENT LEVY ORDER, 2020

This Order may be cited as the Petroleum Development Levy Order, 2020 and shall come into operation on 15th July, 2020.

1. In this Order, unless the context otherwise requires—

“Authority” means the Energy and Petroleum Regulatory Authority established under the Energy Act, 2019.

“collector” means the Commissioner of Customs and Excise;

“levy” means the Petroleum Development Levy imposed by paragraph 2;

“cabinet secretary” means for the time being the Cabinet Secretary in charge of petroleum

“oil marketing company” means a person licensed under the Petroleum Act, 2019 to import petroleum products into Kenya;

“petroleum fuels” means petroleum products listed in the First Schedule;

“petroleum development fund” means a fund created under section 4 of the Petroleum Development Fund Act, 1991;

“remitter” means an oil marketing company registered by the collector.

2. There shall be paid a levy on all petroleum fuels consumed in Kenya with a tariff code and description specified in the first and second columns, respectively, of the First Schedule, at the rates specified in relation thereto in the third column of that Schedule.

3. The levy shall be paid to the Petroleum Development Fund.

4. The levy shall also be used for matters relating to the development of the oil industry including to stabilize local petroleum pump prices in instances of spikes occasioned by high landed costs above a threshold determined by the Authority. The Cabinet Secretary may by writing to the administrator, request for a draw down from the Petroleum Development Fund to stabilize local petroleum pump prices where he deems it necessary.

5. An oil marketing company shall on or before the last day of the month immediately following the month in which he becomes an oil marketing company register with the collector as a remitter.

6. A person registered as a remitter who ceases either permanently or temporarily to be an oil marketing company shall, within thirty days of so ceasing, notify the collector accordingly in writing specifying the reasons for his ceasing to be a remitter.

7. (a) The remitter shall pay the levy to the collector immediately at the time of importation of petroleum fuel.

(b) The collector shall maintain records of importation of petroleum fuels and submit to the Cabinet Secretary a monthly return of payment of the levy received during the month.

(c) The collector shall remit to the Petroleum Development Fund all the levy paid during the month.

8. Without prejudice to any other form of remedy, any monies payable under this Order that remains unpaid for a period of thirty (30) days after the date that the same ought to be paid shall be recoverable summarily by the collector as a civil debt due and payable to the Petroleum Development Fund.

9. Notwithstanding the provisions of paragraphs 6 and 7, if a remitter fails to pay an amount payable by way of a levy within the time prescribed by this Order a sum equal to five per cent of that amount shall be added to the amount for each month or part of a month thereafter that the amount due remains unpaid.

10. The Petroleum Development Order, 1992 is revoked.

JOHN K. MUNYES,  
*Cabinet Secretary for Petroleum and Mining.*

## FIRST SCHEDULE

<i>Tariff Code</i>	<i>Description</i>	<i>Rate of Levy (KSh.)</i>
2709.00.10	Condensates	5,400.00 per 1,000 litres at 20°C
2710.00.21	Aviation spirit (gasoline)	5,400.00 per 1,000 litres at 20°C
2710.00.22	Motor spirit (gasoline), premium	5,400.00 per 1,000 litres at 20°C
2710.00.24	Jet fuel (spirit type)	5,400.00 per 1,000 litres at 20°C
2710.00.25	Special boiling point spirit and white spirit	400.00 per 1,000 litres at 20°C
2710.00.29	Other light petroleum oils and preparations	400.00 per 1,000 litres at 20°C
2710.00.32	Kerosene	400.00 per 1,000 litres at 20°C
2710.00.39	Other medium petroleum oils and preparations	5,400.00 per 1,000 litres at 20°C
2710.00.41	Diesel oil (industrial, heavy, black, for low speed marine and stationery engines)	5,400.00 per 1,000 litres at 20°C
2710.00.43	Other gas oil	5,400.00 per 1,000 litres at 20°C
2710.00.44	Residual fuel oils (marine furnace similar fuel oils engines) of 125 cSt	400.00 per 1,000 litres at 20°C
2710.00.45	Residual fuel oils of 180 cSt	400.00 per 1,000 litres at 20°C
2710.00.46	Residual fuel oils of 280 cSt	400.00 per 1,000 litres at 20°C
2710.00.47	Other residual fuel oils	400.00 per 1,000 litres at 20°C
2711.11.00	Liquefied natural gas	400.00 per 1,000 litres at 20°C
2711.12.00	Liquefied propane	400.00 per 1,000 Kg at 20°C
2711.13.00	Liquefied butanes	400.00 per 1,000 Kg at 20°C
2711.14.00	Liquefied ethylene, propylene, butylenes and butadiene	400.00 per 1,000 Kg at 20°C
2711.19.00	Other liquefied petroleum gases	400.00 per 1,000 Kg at 20°C
2711.21.00	Natural gas in gaseous state	400.00 per 1,000 Kg at 20°C
2711.29.00	Other petroleum gases	400.00 per 1,000 Kg at 20°C
2713.20.00	Petroleum bitumen	400.00 per 1,000 Kg at 20°C
2713.90.00	Other residues of petroleum oil or oils obtained from bituminous minerals	400.00 per 1,000 Kg at 20°C
2714.10.00	Bituminous or oil shale and tar sands	400.00 per 1,000 Kg at 20°C
2714.00.00	Bitumen and asphalt or asphalts and asphaltic rocks	400.00 per 1,000 Kg at 20°C
2715.00.00	Bituminous mixtures	400.00 per 1,000 Kg at 20°C