MIDSTREAM AND DOWNSTREAM PETROLEUM REGISTRATION AND PUBLICATION OF LICENCES, PERMITS AND AUTHORISATIONS REGULATIONS, 2023

PETROLEUM INDUSTRY ACT, NO. 6, 2021

MIDSTREAM AND DOWNSTREAM PETROLEUM REGISTRATION AND PUBLICATION OF LICENCES, PERMITS AND AUTHORISATIONS REGULATIONS, 2023

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PETROLEUM INDUSTRY ACT, NO. 6, 2021

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[ ]	Commencement
In the exercise of the powers conferred on it by sections 33, 219, 220, 221, 222, 223 and 224 of the Petroleum Industry Act, No. 6, 2021 ("Act") and all other powers enabling it in that behalf, the Nigerian Midstream and Downstream Petroleum Regulatory Authority ("Authority"), makes these Regulations —	
a. The objectives of these Regulations are to — (a) establish, maintain and make publicly available, registers of licences, permits, authorisations and exemptions issued, revoked, suspended, surrendered or withdrawn and any modifications, renewals, assignments, amendments or exemption or any other matter affecting the status of or any interest in a licence, permit or authorisation granted in the Nigerian midstream and downstream petroleum industry; (b) provide the procedure for the registration of licences, permits and authorisations or any other matter affecting the status of or any interest in a licence, permit or authorisation granted; and (c) provide sanctions and penalties for failure to comply with these Regulations.	Objectives
2. These Regulations shall apply to activities connected with the registration of licences, permits and authorisations or any other matter affecting the status of or any interest in a licence, permit or authorisation granted in the Nigerian midstream and downstream petroleum industry.	Application

3. (1) The Authority shall establish and maintain – (a) a register for licences, permits and authorisations issued, revoked, suspended, surrendered or withdrawn and any modification or exemption or any other matter affecting the status of or any interest in a licence, permit or authorisation granted in the Nigerian midstream and downstream petroleum industry. (b) a register of any extension, transfer, surrender, revocation, exemption, relinquishment, change of address, change of name or any other matter affecting the status of or any interest in a licence, permit or authorisation granted; (c) a register in which particulars of any interest or shares transferred or assigned are recorded by the Authority and the register shall be updated in relation to any change in the status of such interest or shares transferred or assigned; and (d) any other register as the Authority may deem necessary for the implementation of the Act. (2) The registers shall be under the supervision of the Legal Adviser of the Authority. (3) The Authority shall, not later than 90 days from the commencement of these Regulations, establish a portal on its website for the publication of the registers.	Authority to establish and maintain registers
4.(1) The Legal Adviser of the Authority shall be responsible for – (a) the establishment, maintenance and publication of the registers provided in Regulation 3 (1); (b) modifications, or corrections in any register; (c) Deletion from any register; and (d) in consultation with relevant directorates of the Authority, the development of templates for the Authority's licences, permits and authorisations to ensure compliance with the provisions of the Act,	Duties of the Legal Adviser of the Authority
5. A licence, permit or authorisation for midstream and downstream petroleum operations under the Act shall conform to a licensing system as determined by the Authority.	Conformity to licensing systems

6. (1) A licence, permit or authorisation or any exemption issued by the Authority shall be signed by the Authority Chief Executive and authenticated by the Authority Secretary and Legal Adviser under the seal of the Authority and the validity of the licence, permit or authorisation or any exemption shall commence from the date of its issuance. (2) The date of issuance of any licence, permit or authorisation or any exemption shall be inscribed on the licence, permit or authorisation or any exemption.	Authentication of licences, permits and authorisations
7. (1) A licence, permit or authorisation and any exemption granted under the Act shall be prepared in duplicate and one original shall be delivered to the holder of the licence, permit or authorisation and the other original shall be retained by the registrar which shall be bound up in a book of the appropriate series within its register and serially numbered. (2) The register referred to in Section 219 of the Act shall also be kept in an electronic format and a soft copy of a licence, permit, authorisation or exemption shall be forwarded to the holder of a licence, permit or authorisation. (3) The Authority shall cause a licence, permit, authorisation or exemption to be prepared upon payment of the prescribed fees and conformity with the licensing system as determined by the Authority. (4) The registrar shall require an acknowledgement of the receipt of a copy of the licence, permit or authorisation or exemption from the person accepting such licence, permit, authorisation or exemption in the form prescribed in the First Schedule to these Regulations.	Procedure for registration of licences, permits and authorisations First Schedule
8. (1) A register shall contain the following details regarding a licence, permit, authorisation or exemption, where applicable – (a) the serial number; (b) the name of the holder (c) the name of the operator of the facility, if different from the holder of the licence, permit, authorisation or exemption; (d) the date of grant; (e) the date of entry into the register; (f) the duration;	Contents of register

(g) information on whether the licence, permit, authorisation, or exemption has been modified, amended, renewed, assigned, expired, surrendered, suspended, revoked, withdrawn terminated or cancelled; (h) the participating interests in the licence, permit, authorisation or exemption; (i) a record of any debenture, mortgage, loan, lien, appointment of a receiver/manager or other obligation in respect of the facility and the holder of the licence, permit, authorisation or exemption; (j) a record of any sanction or penalty imposed on the holder of the licence, permit, authorisation or exemption; and (k) any other information that the Authority may from time to time determine. (2) The register shall also contain information on the beneficial owner of the licence, permit, authorisation or exemption.	
10. (1) Where the Authority determines that an error or incorrect entry has been made into a register, the Authority shall correct the error or incorrect entry. (2) The Authority shall cause a notice of the incorrect entry or error in the register and the correction to be published on the Authority's website.	Error in registers
11. A sanction or penalty imposed by the Authority shall be deleted from a register five years after the sanction or penalty has been fully discharged by the holder of licence, permit, authorisation or exemption.	Deletion from registers
12. (1) A register required under these regulations shall be readily accessible to the public from Tuesdays to Thursdays from 10am to 3pm at the Authority's headquarters. (2) A person seeking to access a physical register shall apply to the Authority through the portal and such approval shall be granted upon the payment of prescribed fees. (3) The Authority shall also maintain an up-to-date electronic form of the registers required under these regulations on its website, which shall be accessible by any member of the public upon the payment of prescribed fees.	Public access to the registers

13. A member of the public shall, upon the payment of prescribed fees, be entitled to obtain a certified true copy of any document or record contained in the registers referred to in these regulations.	Application for certified true copy
14(1) A holder of a licence, permit, authorisation or exemption shall notify the registrar of any changes in respect of the licence, permit, authorisation or exemption. (2) The notice to the Authority shall contain, where applicable - (a) in connection with a change of operator, extension of the licence and surrender of the licence, the approval issued by the Authority; (b) in connection with a change of company name, a certified true copy of certificate of incorporation from the Corporate Affairs Commission showing the new name of the company; (c) in connection with a mortgage of a facility under Authority's licences, permits, authorisations or exemptions – i. mortgage bond with certified copy, ii. certified true copy of the certification of registration for mortgagor, iii. consent or approval of the Authority, and iv. signed mortgage deed by a person authorised to sign for the company or in accordance with a power of attorney signed by a person authorised to sign for the company. (d) in connection with assignment and transfer of licence or permit, the consent of the Authority as provided in the Assignment or Transfer of Licences and Permits Regulations, 2023; (2) The notice by the holder of licence, permit, authorisation or exemption arising from any change shall be given to the Authority not later than 21 days of such approval by the approving authority.	Duty to notify the Authority of changes

(3) The Authority shall update the appropriate register within 30 days of the receipt of such notice.	
15. The fees in the Second Schedule to these Regulations shall be applicable to public access of the registers and certified true copies of documents made by the Authority.	Fees Second schedule
16. (1) A person who – a. fails to provide information required under these Regulations; or b. makes a false declaration to the Authority or wilfully furnishes any information so required which is in any respect false or insufficient; or c. fails to comply with any provisions of these Regulations shall, in addition to the sanctions, fines and penalties contained in the Act, be liable to an administrative penalty not exceeding NGN 250,000.00.	Offences
17. The Authority may issue guidelines, directives, and notices for the effective implementation of these Regulations.	Authority to issue guidelines, directives etc
18. In these Regulations — "Act" means the Petroleum Industry Act, No. 6, 2021; "Authority" means Nigerian Midstream and Downstream Petroleum Regulatory Authority; "Change" means – (a) change of operator; (b) change of company name; (c) debenture, mortgage, loan, lien, appointment of a receiver/manager or other obligation (d) extension of the licence, permits, authorization or any modification or exemption or any other matter affecting the	Interpretation

status of or any interest in any licence, permit or authorisation registered; (e) surrender of the licence permits, authorisations or any modification or exemption or any other matter affecting the status of or any interest in any licence, permit or authorisation registered, (f) the mortgage of a facility under Authority's licence, permits or authorisations, (g) assignment or transfer of a licence or permit as provided in the Assignment of Transfer of Licences and Permits Regulations, 2023, and (h) revocation of the licence, permits, authorisations or any modification, amendment or exemption or any other matter affecting the status of or any interest in any licence, permit or authorisation registered; and "NGN" means Nigerian Naira.	
19. These Regulations may be cited as the Midstream and Downstream Registration and Publication of Licences, Permits and Authorisations Regulations, 2023.	Citation

FIRST SCHEDULE **Regulation 8(4)**

Form for acknowledgement of receipt of licence, permit and authorisation

I …… on behalf of

……..

hereby acknowledge receipt of the licence/permit/authorisation/exemption ref:

……..

issued by the Nigerian Midstream and Downstream Petroleum Regulatory Authority.

Signature:

Date:

SECOND SCHEDULE **Regulation 15**

Fees

A	**Register Access Fee**	**NGN**
1	Physical access to a register	100,000.00
2	Electronic access to a register	50,000.00
B	**Certified True Copy**	
1	Licence	150,000.00
2	Permit	125,000.00
3	Authorisation	100,000.00
	Exemption	50,000.00
4	Any other documents	100,000.00

Made at Abuja this ..... day of 2023

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Engr. Farouk Ahmed
Authority Chief Executive
Nigerian Midstream and Downstream Petroleum Regulatory Authority