

GOVERNMENT NOTICE No. 620 published on 1/9/2023

THE PETROLEUM ACT,
(CAP. 392)

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RULES
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(Made under section 246)

THE PETROLEUM (SETTLEMENT OF DISPUTES ARISING FROM UPSTREAM
PETROLEUM OPERATIONS) RULES, 2023

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THE PETROLEUM ACT,
(CAP. 392)

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(Made under section 246)

THE PETROLEUM (SETTLEMENT OF DISPUTES ARISING FROM
UPSTREAM PETROLEUM OPERATIONS) RULES, 2023

PART I
PRELIMINARY PROVISIONS

Citation 1. These Rules may be cited as the Petroleum
(Settlement of Disputes Arising from Upstream Petroleum
Operations) Rules, 2023.

Application 2.-(1) These Rules shall apply to Mainland
Tanzania in relation to procedures relating to settlement of
disputes between parties engaged in exploration or
development operations either among themselves or in
relation to themselves and third parties other than the
Government not so engaged, in connection with-

- (a) the boundaries of any exploration or
development area;
- (b) any act committed or omitted, or alleged to
have been committed or omitted, in the course
of, or ancillary to, exploration or development
operations;
- (c) the assessment and payment of compensation
pursuant to the Act; or
- (d) any other matters in relation to exploration and
development operations.

(2) Where a dispute settlement agreement provides for settlement under these Rules, these Rules shall form part of the dispute settlement agreement and a dispute arising thereof shall be settled in accordance with these Rules.

(3) Where the contract does not provide provisions for the resolution of disputes under these Rules, the parties involved in the dispute may agree that their dispute be settled by the Authority in accordance with the provisions of these Rules.

Interpretation

3. In these Rules, unless the context otherwise requires-

“Board” means the governing board of the Petroleum Upstream Regulatory Authority;

“Committee” means an *ad hoc* committee established pursuant to rule 5;

“complaint” means material facts of the matter or act complained by the complainant, in respect of the conduct of petroleum exploration or development operations either among the parties having participating interest in licence or in relation to themselves and third parties;

“Authority” means the Petroleum Upstream Regulatory Authority established under the Act;

“local government authority” has a meaning ascribed to it under the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;

“complainant” means a person who files a complaint in the manner provided under these Rules;

“respondent” means any person against whom a complaint is filed;

“third party” means any person who is not a party to the complaint but the respondent have claims against him;

“dispute” means a complaint referred to the Committee after the Director General has failed to resolve;

Caps. 287 and 288

“authorised representative” means a person duly authorised by the complainant or the respondent to represent or act on that behalf in the conduct of the complaint or dispute; and
Cap. 392 “Act” means the Petroleum Act.

**PART II
ADMINISTRATION OF COMPLAINTS AND DISPUTES**

Roles of
Director
General

4.-(1) The Director General shall-

- (a) receive complaints from-
 - (i) persons engaged in petroleum operations;
 - (ii) persons affected by petroleum operations; or
 - (iii) third parties as provided under these Rules.
- (b) evaluate complaints and satisfy himself if the complainant has an interest in the matter to which the complaints relates and that the complaints are not frivolous or vexatious;
- (c) resolve the complaints; and
- (d) maintain a register of all complaints and disputes.

(2) The Director General may, in the course of exercise of his functions, require any party to submit information relevant to a complaint.

Establishment
of Committee

5. There shall be a Committee known as the PURA Dispute Resolution Committee to deal with dispute settlement pursuant to the provisions of section 12(2) of the Act through procedures specified under Part XI(a) of the Act and these Rules.

Composition
and
appointment of
members of
Committee

6.-(1) The Committee shall be composed of five members to be appointed by the Board as follows:

- (a) not more than two members from the Board;
- (b) head of the legal services or legal officer within the Authority;
- (c) a person from the relevant directorate or unit of

the Authority; and

(d) any other person with competence relevant to the dispute.

(2) The Committee may, as it considers necessary, co-opt any person who shall take part in proceedings of the Committee but shall have no right to vote.

(3) Members of the Committee shall serve for such period as the Board may determine.

(4) The Chairman of the Committee shall be appointed by the Board from amongst members representing the Board, and where the Chairman is absent, the Committee shall appoint a member to preside the meeting.

(5) The Director General may participate in any meeting of the Committee but shall have no right to vote.

(6) The Secretary to the Committee shall be such officer of the Authority appointed by the Board and shall have no right to vote.

(7) Legal Services Unit of the Authority shall serve as secretariat to the Committee.

(8) A quorum of the Committee shall be at least three members.

(9) Where a member of the Committee resigns, dies, is removed from office or is for any other reason unable to act as a member of the Committee, the Board shall appoint another person to be a member of the Committee within fourteen days from the date of notification of such incidence.

Meetings

7.-(1) The Committee shall hold a meeting for purposes of deliberation and determination of disputes.

(2) The Secretary shall, as far as it is reasonably practical, submit a written notice and relevant document to members of the Committee within seven calendar days.

(3) Where there is an urgent matter to be determined, the Chairperson may call a committee meeting in such a manner as may deem appropriate.

Reports

8. The Committee shall prepare and submit to the

Board a written report on its activities on a quarterly and annual basis.

PART III
FILING OF A COMPLAINT

Filing of
complaints

9.-(1) A person aggrieved by any matter or action or omission by another person in connection with petroleum exploration or development operations, may lodge a complaint to the Director General against such other person and serve a copy to the respondent.

(2) Complaint referred under subrule (1) may be made through filing triplicate copies of Complaint Form No. 1 as prescribed in the First Schedule to these Rules.

(3) Without prejudice to the requirement of subrule (1), a complaint form may be filed electronically in such a manner as the Authority may direct.

(4) The complaint shall be accompanied with a proof of payment of the required filing fee as prescribed in the Third Schedule to these Rules.

(5) Nothing in this rule shall preclude an authorised representative from filing a complaint to the Director General on behalf of the person aggrieved.

(6) Notwithstanding the generality of subrule (1), any person or group of persons may file with the Director General a representative complaint:

Provided that, the authorisation for the representation of a person or group of persons shall be in writing signed by the parties giving such authorisation and shall be filed with the Authority.

(7) The complainant may attach evidence of communication with respondent of any initiative of trying to resolve the matter amicably.

Service of
summons to
present
defence

10.-(1) The Director General shall, not later than fourteen working days after receipt of a complaint, issue summons in Form No. 2 as set out in the First Schedule to these Rules requiring the respondent to present his defence.

(2) The Director General shall cause the

complainant to serve a copy of summons to-

(a) any other person who appears to be an interested or necessary party in relation to the matter;

(b) a person who has indicated that he is interested in the matter.

(3) A copy of the summons may be served through-

(a) registered mail with return receipt;

(b) email using the addresses previously disclosed or used between the parties in their business;

(c) facsimile; or

(d) publication in two newspapers of wide circulation in Tanzania one in English and another in Kiswahili where the Director General has determined that-

(i) there are reasons to believe that the respondent is keeping out of the way for the purpose of avoiding the service; or

(ii) for any other reason, the summons cannot be served in the ordinary way; and

(iii) there is proof in writing from the local government authority that efforts to serve the respondent were taken and that such efforts have failed due to reasons given under subparagraphs (i) and (ii).

Defence to
complaint

11.-(1) The respondent shall, not later than twenty-one working days after receipt of service of summons, present to the Director General and a copy thereof served to the complainant, a defence to the complaint together with a proof of payment of the required filing fee as prescribed in the Third Schedule to these Rules.

(2) The defence may include a counterclaim or set-off, provided that, the Director General shall treat the counter claim as a cross claim, and the procedures for handling a complaint under these Rules shall apply.

(3) The respondent shall not in his defence, deny generally the grounds alleged by the complainant, but shall deal specifically with each allegation of fact of which he does not admit according to his knowledge.

(4) A respondent shall not deny evasively an allegation of fact in the complaint, and for that purpose the denial shall be on a point of substance.

(5) Every allegation of fact in the complaint shall, if-

(a) not denied specifically or by necessary implication; or

(b) stated not to be admitted in the defence by the respondent,

be taken to be admitted:

Provided that, the Committee may at its discretion require any fact admitted to be proved otherwise than by such admission.

(6) A respondent who fails to present a defence in the manner provided under these Rules shall be deemed to have waived his right to appear and participate in the proceedings unless he proves that he was not properly served with the notice of complaint and the summons to present defence.

Reply to
defence

12.-(1) Where the complainant intends to reply to the defence submitted by the respondent, he shall submit the reply to the Director General together with a proof of payment of the filing fee as prescribed in the Third Schedule to these Rules.

(2) A copy of the reply shall be served to the respondent within seven working days from the date of receipt of the defence.

Third-party
procedure

13.-(1) Where in any complaint the respondent claims against any person not being a party to the complaint-

(a) any contribution or indemnity; or

(b) any relief or remedy relating to or connected with the subject matter of the complaint and substantially the same as a relief or remedy

claimed by the complainant, the respondent may, subject to the payment of the required filing fee as prescribed in the Third Schedule to these Rules, apply to the Director General to present a third-party notice and that application shall, unless directed otherwise by the Authority, be supported by an affidavit.

(2) An affidavit to which an application relates under this rule shall state-

- (a) the nature of the claim made by the complainant in a complaint;
- (b) the stage which the proceedings in the complaint have reached;
- (c) the nature of the claim made by the applicant against the third party and its relation to the complainant's claim against the applicant; and
- (d) the name and address of the third party.

(3) Upon receipt of an application under subrule (1) and where the Authority is satisfied that the respondent's claim against the third party is in respect of a matter referred to in paragraphs (a) and (b) in that subrule and that, having regard to all the circumstances of the complaint, it is reasonable and proper to grant leave to the respondent to present a third-party notice, the Director General shall, upon such terms and conditions, grant leave to the respondent to present a third-party notice.

(4) Upon granting of the leave in subrule (3), the respondent shall, within the time provided, submit a third-party notice in form No. 3 as set out in the First Schedule to these Rules.

(5) A third-party notice shall state-

- (a) the nature of the complainant's claim against the respondent;
- (b) the nature of the respondent's claim against the third party;
- (c) the reliefs claimed by the respondent against the third party;
- (d) the period within which the third party may present his defence; and
- (e) the consequences of the failure by the third party to present his defence within the period

prescribed in the notice.

(6) The Director General shall cause to be served a copy of a third-party notice presented to him on the third party in accordance with the procedure prescribed under rule 10.

(7) Where a third-party notice has been served on the third party, the third party shall, if he wishes to dispute the claim in the complaint against the respondent presenting the third-party notice or his own liability to the respondent, present to the Director General its defence within twenty-one days from the date of service of the third-party notice.

(8) A defence by third party under subrule (7) shall be filed to the Director General in a manner provided for under rule 11.

Directives in respect of third-party application

14. Where a third party has presented a defence, the Director General shall fix a date for giving of directions and may on such date, if satisfied that there is a proper question to be tried as to the liability of the third party in respect of the claim made against him by the respondent, order the question of such liability to be tried in such manner, at or after the trial of the complaint, as the Director General may direct or, if the Authority is not so satisfied, make such order as the nature of the complaint may require.

Amendments to complaint, defence and reply

15.-(1) A complainant or a respondent may, upon application to the Authority and payment of the required prescribed fee in the Third Schedule to these Rules, amend the complaint, defence or reply, as the case may be, provided that-

- (a) the complainant or respondent provides sufficient cause to the Director General; and
- (b) the other party is afforded an opportunity to make a response thereto within a reasonable time prior to mediation.

(2) A complainant or respondent shall, upon being allowed to amend a complaint, defence or a reply as the case may be, amend such a complaint, defence or reply

within the prescribed time as the Director General may determine.

Consolidation of complaints or applications

16. Where two or more proceedings are pending in respect of the same application or which involve the same or similar issues, the Director General may, on its own motion or upon application of any of the parties, order that the proceedings or any particular issue or matter raised in the proceedings be consolidated or heard together.

Scrutiny of complaints

17. The Director General shall, within fourteen days upon receipt of pleadings by parties, scrutinise a complaint and make preliminary examination, and in so doing have powers to reject a complaint or application which does not meet the requirements of these Rules.

PART IV INVESTIGATION AND MEDIATION PROCEDURES

Investigation of complaint

18.-(1) The Director General shall, within thirty days upon completion of scrutinisation of a complaint and preliminary examinations under rule 18, and where it comes to the attention of the Director General that-

- (a) the complainant has an interest in the matter to which the complaint relates; and
- (b) the complaint is not frivolous or vexatious, investigate the matter.

(2) Where it appears to the Director General at any time during or after the investigation that there exists a meritorious complaint or defence and that the respondent or complainant has not considered the same, or has not considered it adequately, the Director General may, by notice, require the respondent or complainant to consider or reconsider the complaint or defence within fourteen days from the date of receipt of the notification.

(3) Where the party given the notice to consider or reconsider the complaint or defence is unable to do so within the time specified in subrule (2) or refuses to follow the advice of the Director General, the Director

General shall submit the matter to the mediator for mediation.

(4) Where the party given a notice under subrule (2) considers the advice given by the Director General, the Director General shall, within fourteen days, involve both parties and if the settlement is reached, the settlement shall be reduced in writing and signed by the parties.

(5) Settlement reached under subrule (4) shall, upon registration by the Authority, be deemed to be an award of the Authority, and that no settlement which is not registered by the Authority shall be enforceable.

Mediation

19.-(1) Where the Director General fails to resolve the matter under rule 18, an officer of the Authority or any other person agreed between the parties, may be appointed by the Director General to act as a mediator, who shall call for mediation meetings at such time and place as may be agreed between the parties.

(2) A settlement reached by the parties out of the mediation session under subrule (1) shall be reduced into writing in the prescribed Form No. 4 as set out in First Schedule to these Rules, and shall be signed by the parties who shall furnish a copy thereof to the Authority for registration.

(3) The settlement reached under subrule (2) shall, upon registration by the Authority, be deemed to be an award of the Authority, and that no settlement which is not registered by the Authority shall be enforceable:

Provided that, no settlement shall be registered by the Authority where it appears to the Authority that the settlement is likely to infringe the interest of Government or licence holder, as the case may be.

(4) The Authority shall where it determines that a settlement does not suffice to be registered it shall return the settlement to the parties for reconsideration.

PART V
HEARING AND DETERMINATION OF DISPUTES

Referral of
complaints to
Committee

20.-(1) Where at any stage, upon completion of scrutiny or mediation it becomes clear that the parties cannot reach an amicable settlement, the Director General shall, within thirty days from when he became aware submit a complaint to the Committee for hearing.

(2) The Director General shall, not later than seven working days after the complaint has been referred to the Committee under subrule (1), notify the parties that a complaint has been referred to the Committee for hearing.

(3) The complaint submitted to the Committee shall have a status of a dispute.

Language of
Committee

21. The language of the Committee shall be Kiswahili or English.

Place of
hearing

22. The Committee may hold its hearing in such places as it deems fit having regard to expeditious and economical conduct of the proceedings.

Scheduling of
hearing

23.-(1) The Committee shall, before setting a hearing date summon parties in writing for the purposes of ascertaining a speed track of the dispute, and for that purpose the Committee to frame issues in dispute.

(2) Upon setting of speed track and framing of issues under subrule (1), the Committee shall issue a scheduling order.

(3) Once a scheduling order is issued the Committee shall issue a summons as prescribed in Form No. 5 as set out in the First Schedule to these Rules for the parties to appear for hearing.

(4) The summons issued under subrule (3) shall provide the date of hearing which shall not be less than seven days from the date which the parties received the summons.

(5) Where a scheduling order is made, no departure from or amendment of such order shall be allowed unless the Committee is satisfied that such

departure or amendment is necessary in the interests of justice and the party in favour of whom such departure or amendment is made shall bear the costs of such departure or amendment, unless the Committee directs otherwise.

Hearing procedure to be quasi-conciliatory

24.-(1) Dispute proceedings shall be *quasi-conciliatory* in nature, provided that where no conciliation is possible, the Committee shall consider the matter and make recommendation therein.

(2) A party may appear in the proceedings in person, by an advocate or by its principal officer or an authorised representative.

(3) For the purpose of this Part, “hearing” means all processes required for the Authority’s determination of a dispute, including:

- (a) any attempt to resolve the dispute amicably;
- (b) oral and written submissions made by the parties;
- (c) adducing of evidence by the parties either oral or written; and
- (d) discovery of documents.

Hearing procedures and formalities

25.-(1) The Committee shall-

- (a) hear the complainant first and may thereafter entertain cross examination and re-examination;
- (b) hear the respondent and may thereafter entertain cross examination and re-examination; and
- (c) after hearing the parties, hear witness if any and where necessary entertain cross examination and re-examination.

(2) The Committee shall, on conclusion of submissions under subrule (1), allow parties to make final submissions.

(3) The Committee shall-

- (a) observe the principles of natural justice;
- (b) avoid formality and technicality of rules of evidence as much as possible,

with a view of ensuring just, expeditious and economical

handling of the proceedings.

Power to recall witnesses and take additional evidence

26.-(1) In respect to any proceedings, the Committee may in its discretion-

- (a) recall witnesses and take additional evidence;
- (b) call any person or expert as a witness;
- (c) allow the parties to have the right to representation when additional evidence is taken.

(2) Such additional evidence may be oral and the Committee may allow cross-examination and re-examination where necessary.

(3) In dealing with any dispute the Committee shall have the power to order any party to the proceedings to submit a report of any matter related to the proceedings.

Submissions

27. The Committee may allow oral or written submissions which shall be made within seven working days from the date of closure of hearing.

Failure to appear

28.(1) Where neither party appears when the dispute is called for hearing, the Committee may issue an order that the dispute be dismissed.

(2) Where the complainant fails to appear when the dispute is called for hearing, the Committee may issue an order that the dispute be dismissed.

(3) Where the respondent fails to appear without just cause when a dispute is called for hearing, and upon an application by a complainant, the Committee may issue an order for *ex-parte* proof of the claims made by the complainant.

(4) An application under this rule may be made orally or in writing.

Adjournment

29.-(1) A party may, before or during hearing of a dispute apply to the Committee for adjournment.

(2) An application for adjournment referred to under subrule (1) may be made orally or in writing.

(3) The Committee may accept the application for an adjournment if it is satisfied that a party has sufficient

reasons for adjourning hearing of the dispute.

(4) The Committee may make determination on payment of costs of adjourning the case as it deems fit.

Application to
intervene

30.-(1) Any person who is interested in the dispute before the Committee may, at any stage before the conclusion of the hearing, file an application to the Committee to intervene in the proceedings.

(2) An application under this rule, shall be accompanied by an affidavit together with a proof of payment of the required fee as prescribed in the Third Schedule to these Rules and shall provide for, among other things, the following-

- (a) the date the application is filed;
- (b) the number of the dispute;
- (c) the title of the hearing to which the application relates;
- (d) the name, postal and physical address of the intervener;
- (e) the address for service;
- (f) the concise statement of the matters in issue affecting the intervener;
- (g) the party whose position the intervener intends to support; and
- (h) the grounds and documents in support of the application.

(3) The Committee shall notify parties to the proceedings of the application and any party may file an objection within seven working days upon receipt of notice of the application.

(4) The Committee may ascertain whether the applicant is directly affected by the outcome of the hearing and whether his interest in the outcome is established.

(5) The Committee shall determine the application, and where it rejects the application, it shall advise the applicant accordingly.

(6) Where the Committee is satisfied that the applicant has sufficient interest, it shall grant the application on such terms and conditions as it may deem

fit.

(7) Where the application is granted, the intervener shall, within seven working days, file a statement of intervention containing:

- (a) Concise statement of the facts and arguments supporting the intervention;
- (b) reliefs sought; and
- (c) list of documents annexed and a copy of every document upon which the applicant relies.

(8) The parties to the proceedings may, within seven days, file to the Committee a reply to the statement of intervention separately or jointly.

Recommendation of Committee

31.-(1) The Committee shall, on completion of hearing, make a finding on the disputes, and shall within thirty working days from the date of completion of the hearing, recommend to the Authority for a decision.

(2) Save as otherwise provided under these Rules, the recommendation shall-

- (a) be by majority of members present;
- (b) be in writing, and shall be dated and signed by the Chairman as of the date on which it was pronounced;
- (c) contain a concise statement of the dispute, the points for determination, the recommendation thereon and the reason for such recommendation.

Decision of Authority

32.-(1) The Authority shall, upon receipt of the recommendation of the Committee, consider the recommendation and make orders or decree on the dispute.

(2) The Authority shall have powers to issue the following decree or orders:

- (a) requiring a party to pay damages, whether specific or general;
- (b) requiring a party to compensate the other party on specified terms and conditions;
- (c) requiring a party to pay costs of another party or of a person appearing at the hearing or

- producing documents;
- (d) dismissing a dispute;
- (e) requiring specific performance;
- (f) requiring a party to refund any payment made; and
- (g) any other orders as may be deemed reasonable and just.

Enforcement of decree or orders

33. A decree or order of the Authority issued under these Rules shall be enforceable as a decree or order of the Court as stipulated under section 243 of the Act.

Decision against third party in default

- 34.-(1) Where a third party-
- (a) makes default in presenting his defence within the time allowed under rule 13(7); or
 - (b) having presented a defence, makes a default in appearing on the date fixed for the giving of directions,

the respondent who presented a third-party notice may apply to the Authority for an *ex-parte* order or decree against the third party in respect of any contribution, indemnity or relief claimed in the notice.

(2) The Authority may, on application for the respondent in subrule (1) and on *ex-parte* proof by the respondent of his claim against the third party, issue an order or decree against the third party as the nature of the dispute may require.

Application to set aside *ex-parte* order

35.-(1) In any case which an order is passed *ex-parte*, a party against whom an order is made *ex-parte*, may apply to the Committee to set aside such order:

Provided that, the prescribed fee has been paid and the affidavit to the application satisfies the Committee that summons was not duly served or that the applicant was prevented by any sufficient cause from appearing when the dispute was called on for hearing.

(2) Where the Committee is satisfied with the application under subrule (1), it shall make an order setting aside an order as against that person upon such terms as to costs, payment to the Committee or otherwise

as it may think fit and shall appoint a day for proceeding with the matter.

Application to
restore dispute

36.-(1) Where a dispute is dismissed under rule 28(1) or (2), the complainant may make application for an order to set aside the dismissal order.

(2) Application to set aside the dismissal order shall be accompanied by a proof of payment of the prescribed fee as set out in the Third Schedule to these Rules together with an affidavit providing sufficient reasons for the restoration of the dispute.

(3) An order shall not be made under this rule unless notice of the application has been served on the opposite party.

Appeals

37.-(1) Any person aggrieved by the decision of the Authority or any other decision made in connection to the purposes of these Rules may, within thirty days after such decision is given or made, appeal to the Fair Competition Tribunal.

(2) The grounds for appeal shall include the following:

- (a) that the decision made was not based on the evidence produced;
- (b) there was an error in law;
- (c) the procedures and other statutory requirements applicable to the Committee were not complied with and the non-compliance materially affected the determination;
- (d) the Authority did not have power to make the award.

Cap. 285

(3) The procedure for appeal shall be as provided under the Fair Competition Act.

PART VI LIMITATION PERIODS

Dismissal of
proceedings
instituted after
period of

38. Subject to the provisions of these Rules, every proceeding described within the limitation period in the Second Schedule to these Rules and which is instituted

limitation after the period of limitation shall be dismissed.

Accrual of
cause of action 39.-(1) The period of limitation prescribed under these Rules in relation to any proceeding shall, subject to the provisions of these Rules, commence from the date on which the right of action for such proceedings accrues.

(2) The right of action in respect of any proceeding shall accrue on the date on which the cause of action arose.

(3) Where there is a continuing breach of contract or a continuing wrong independent of a contract, a fresh period of limitation shall begin to run at every moment of the time during which the breach or the wrong, as the case may be, continues.

Power to
extend
limitation
period 40. Where the Committee is of the opinion that in view of the circumstances in any matter, it is just and equitable so to do, it may, by order, extend the period of limitation in respect of any complaint for a period not exceeding one-half of the period of limitation prescribed by these Rules for such complaint.

PART VII
GENERAL PROVISIONS

Complainant
to file
particulars on
affidavit if
required 41. The Director General may require the complaints or any part thereof to be verified by affidavit.

Taxation for
Costs 42.-(1) Where any party has been awarded the costs and wishes to recover the costs which he has been awarded under these Rules, he shall lodge an application for taxation by filing a bill of cost to the Director General who shall tax such bill accordingly.

GN. No.
263 of 2015 (2) Without prejudice to the provisions of subrule (1), the bill of costs shall be filed to the Authority in the format as prescribed under the Advocates Remuneration Order, 2015 *mutatis mutandis*.

(3) Any person who is aggrieved by the decision

of the Director General under subrule (1) may appeal to the Fair Competition Tribunal.

Procedures for applications

43.-(1) All applications to be made under these Rules shall be submitted to the Authority in the summons prescribed in Form No. 6 or 7, as the case may be, set out in the First Schedule to these Rules and shall be accompanied by an affidavit as in Form No. 8 as set out in the First Schedule to these Rules containing such details supporting the application.

(2) All applications shall be accompanied by a proof of payment of the prescribed fee as set out in the Third Schedule to these Rules.

(3) The Director General or Committee, as the case may be, shall have powers to make orders against any application under these Rules which do not determine the finality of a complaint or dispute.

Issuance of compliance orders

44. At any stage during hearing and where the Authority is satisfied that a person has breached or is likely to breach the provisions of the Act or Rules, the Authority may issue a compliance order subject to section 16 of the Act or such other directives as it may deem necessary.

General penalty

45. Any person who contravenes any of the provisions of these Rules for which no specific penalty is provided shall be liable to a fine of not less than three million shillings.

Penalty for continued breach

46. Any person who is in continuous breach of these Rules shall, in addition of the penalty provided, be liable to a fine of one million shillings for every day on which the breach continues or recurs.

Authority to supplement procedures

47. Where procedures are not provided for in these Rules, the Authority may do whatever is necessary and permitted by the Act and the applicable law to enable it to effectively and completely adjudicate on any matter before it.

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

GN. No. 620 (Contd)

Extension of time	48. The Authority may, upon application and upon good cause, extend the time limited by these Rules for doing any act authorised or required by these Rules, whether before or after expiration of that time.
Refusal of documents	49. The Committee or, as the case may be, the Director General may refuse to accept any document which does not comply with the requirements of these Rules.
Power to call for information	50. The Committee shall, if deemed necessary to inform itself of matters relevant to the dispute, have powers to obtain from any person or authority, information, documents or evidence, and in so doing the Committee shall obtain such information, document or evidence through the Director General.
Application of Evidence Act Cap. 6	51.-(1) Where these Rules do not provide the manner of handling any aspect pertaining to evidence, then the Committee shall have powers to invoke the provisions of the Evidence Act. (2) Evidence tendered by parties during hearing shall either be under oath or affirmation, except that the Committee or Director General may receive and work on unsworn evidence.
Power to regulate procedure Cap. 33	52.-(1) Where these Rules are silent on any matter of procedure, the Committee shall have power to regulate its own procedures. (2) In exercising its powers under subrule (1), the Committee shall be at liberty to borrow the practice from the Civil Procedure Code Code or any other rules of procedure applicable to court on matters for which procedures is not provided for under these Rules.
Remuneration	53. The Board may determine remuneration of members of the Committee or any other participants to meetings of the Committee.

Proceedings of Committee

54.-(1) All the proceedings before the Committee shall be conducted *in-camera*.

(2) The Secretary of the Committee shall record the proceedings of the Committee.

(3) All documents shall be filed to and kept by the Secretary.

Copies of rulings, judgment, decree and orders

55. The Secretary shall send or provide to each of the parties to the proceedings, a certified copy of the ruling, judgment, decree or order free of charge.

FIRST SCHEDULE

FORMS

FORM NO. 1

(Made under rule 9(2))

THE PETROLEUM UPSTREAM REGULATORY AUTHORITY (PURA)

Complaint Number.....

..... -
COMPLAINANT

..... -
RESPONDENT

COMPLAINT FORM

1. Details of the Complainant:

Name: _____ -

Name of Representative (where applicable): _____

Address: _____

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

GN. No. 620 (Contd)

Physical

Address:

City: _____ -

Office

Telephone:

Mobile

Telephone:

E-

mail:

-

(2) Details of the Respondent:

Name: _____ -

Address:

Physical

Address

City:

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

G.N. No. 620 (Contd)

(6) Has the Complainant sought legal redress from any other institution?

If yes, provide the name of the institution and details of the redress sought (a separate sheet may be used):

Yes

No

(7) Have the copies of all relevant documents been attached?

If yes, list: (a separate sheet may be used)

Yes

No

(8) Any other relevant information:

(9) I hereby declare that all the facts and information given in the application are correct to the best of my knowledge.

Signature of the
Complainant/Principal Officer of the Complainant

Date _____
Day Month Year

For Authority's Use Only (PROVIDE REQUIREMENT OF FEE PAYMENT)

Proof of Payment: _____

Date Received: _____

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

GN. No. 620 (Contd)

Signature: _____

FORM NO. 2

(Made under rule 10(1))

THE PETROLEUM UPSTREAM REGULATORY AUTHORITY
(PURA)

Complaint Number.....	-
.....	
COMPLAINANT	-
.....	
RESPONDENT	-

SUMMONS TO FILE A DEFENCE

TAKE NOTICE that Mr./Ms/Dr.('the Complainant') of P.O. Box has lodged a complaint against you at PURA, details of which are attached herewith.

PURSUANT to rule 10(1) of the Petroleum (Settlement of Disputes Arising from Upstream Petroleum Operations) Rules, 2023, You are required to submit to PURA, within twenty-one (21) days from the date of this notice, a written reply to the complaint together with all relevant documents you will rely upon in support of your defence. Copy of the reply should be served to the Complainant.

TAKE FURTHER NOTICE that failure to submit a reply within the stipulated period above will imply that you have waived your right to be heard and PURA shall proceed determining the matter in your absence as provided for in GN No.

GIVEN under seal of PURA this..... Day of 20.....

.....
DIRECTOR GENERAL

Receive a duplicate of this summons

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

GN. No. 620 (Contd)

(to be signed by person on who summons is served)

COPY TO BE SERVED UPON:

.....
.....
.....

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

G.N. No. 620 (Contd)

FORM NO. 3

(Made under rule 13(4))

THE PETROLEUM UPSTREAM REGULATORY AUTHORITY (PURA)

Complaint Number.....

..... -
COMPLAINANT
..... -
RESPONDENT
..... - THIRD
PARTY

THIRD PARTY NOTICE

TAKE NOTICE that this action has been brought by the Complainant against the Respondent in accordance with the attached complaint.

The Respondent claims against you (here state nature of claim against third party, ".....") on the grounds that (state the grounds of the claim, ".....").

(* And take notice that if you wish to dispute the Complainant's claim against the Respondent, or the Respondent's claim against you, you must appear within days after the service of this notice inclusive of the day of service, otherwise you will be taken to admit the Complainant's claim against the Respondent and the Respondent's claim against you and you will be bound by any decision given in the claim.

Dated the day of, 20

Signature:.....
Director General

Note.-* Delete this paragraph if the notice is served on a party who has already appeared in the claim.

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

G.N. No. 620 (Contd)

FORM NO. 4

(Made under rule 19(2))

THE PETROLEUM UPSTREAM REGULATORY AUTHORITY (PURA)

Complaint Number.....

..... -
COMPLAINANT

..... -
RESPONDENT

SETTLEMENT FORM AFTER MEDIATION

(This form should be filled in by all the parties and each party shall retain one copy and the other copy shall be submitted to the Authority)

1.0 DETAILS OF THE COMPLAINT

1.1 Name of the Complainant(s).....

1.2 Name of the Respondent (s).....

1.3 Name of the Third Party (if any):
.....

1.4 Number of the Complaint:
.....

1.5 Date of Filing the Complaint to PURA:
.....

1.6 Nature of the Complaint:
.....

.....

.....

...

2.0 DETAILS OF THE MEDIATION MEETING

*Petroleum (Settlement of Disputes Arising From Upstream Petroleum
Operations)*

GN. No. 620 (Contd)

3.3 I ,....., being the Third Party/ Third Party's Representative (an administrator, executor, administratrix or executrix) hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name: **Signature:**

.....

Date:

3.4 I ,....., being the Mediator in this matter hereby verify that all the information contained in this form are true and the same reflects what the parties hereto have agreed.

Name: **Signature:**

.....

Date:

(Made under rule 23(3))

IN THE PURA DISPUTE RESOLUTION COMMITTEE

Dispute Number: / 20.....

..... - COMPLAINANT
..... - RESPONDENT

SUMMONS TO APPEAR FOR HEARING

TAKE NOTICE that the above dispute has been fixed for hearing on theday of 20.... At 10:00 hours at Before the PURA Dispute Resolution Committee.

YOU ARE hereby required to appear in person or by an authorised representative without fail and submit to the other party and PURA any other additional evidence you intend to rely on in defending your case before Day of20..... You may also wish to bring witnesses if any.

GIVEN under my hand and the seal of PURA this day of20.....

This summons has been issued on the application of

.....
CHAIRMAN OF THE COMMITTEE

Receive a duplicate of this summons
(To be signed by person on who summons is served)

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

G.N. No. 620 (Contd)

FORM NO. 6

(Made under rule 43(1))

Dispute Number: / 20.....

..... - COMPLAINANT
..... - RESPONDENT

AUTHORITY SUMMONS

LET ALL PARTIES CONCERNED appear before the **DIRECTOR GENERAL** in the.....day of 20.... At hours at

- (a) That the Director General be pleased to issue
- (b) That the Director General be pleased to.....
- (c) Costs of this application be provided.
- (d) Any other relief(s) that the committee may deem fit.

This application has been taken out at the instance if and the same are supported by and affidavit of the applicant.

GIVEN under the seal of PURA thisday of20.....

.....
DIRECTOR GENERAL

Presented for filing thisday of20.....

.....
REGISTRY OFFICER

COPY TO BE SERVED UPON

.....
.....House,Floor.....Street
P.O. Box.....
.....

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

G.N. No. 620 (Contd)

DRAWN AND FILED BY:

.....
.....House,Floor.....Street
P.O.Box.....
.....

FORM NO. 7

(Made under rule 43(1))

Dispute Number: / 20.....

..... - COMPLAINANT
..... - RESPONDENT

COMMITTEE SUMMONS

LET ALL PARTIES CONCERNED appear before the **PURA DISPUTE RESOLUTION COMMITTEE** in theday of 20.... At hours at

- (e) That the committee be pleased to issue
- (f) That the committee be pleased to.....
- (g) Costs of this application be provided.
- (h) Any other relief(s) that the committee may deem fit.

This application has been taken out at the instance if and the same are supported by and affidavit of the applicant.

GIVEN under the seal of PURA this Day of20.....

.....
CHAIRMAN OF THE COMMITTEE

Presented for filing this Day of20.....

.....
SECRETARY TO THE COMMITTEE

COPY TO BE SERVED UPON

.....
..... House, FloorStreet
P.O.Box.....

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

G.N. No. 620 (Contd)

.....
DRAWN AND FILED BY:

.....
.....House,Floor.....Street
P.O. Box.....
.....

FORM NO. 8

(Made under rule 43(1))

IN THE PURA DISPUTE RESOLUTION COMMITTEE/AUTHORITY

Dispute Number: / 20.....

..... -
COMPLAINANT
..... -
RESPONDENT

AFFIDAVIT

I, an adult person, Christian/Muslim of P.O. Box
DO HEREBY solemnly affirm/swear and declare as under:

1. That
2. That
3. That

I hereby state that whatever is stated herein above are true to the best of my knowledge.

Solemnly affirmed/sworn at

SWORN by the said}
Who is identified to me by

.....

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

GN. No. 620 (Contd)

The latter being known to me personally in my presence}
Deponent
Thisday of20.....}

Full Name:
Signature:
Postal Address:
Qualification:

SECOND SCHEDULE

(Made under rule 38)

LIMITATION PERIODS

**PART I
COMPLAINTS**

S/N	NATURE OF COMPLAINT	PERIOD OF LIMITATION
1	Interfere rights of the lawful occupier of any land or cause damage to any crops, trees, buildings, stock or work.	Two years
2	Improper invoicing	Two years
3	Other complaints in connection with petroleum operations except complaints which have been covered under laws governing limitations.	Two years

**PART II
APPLICATIONS**

S/N	NATURE OF APPLICATION	PERIOD OF LIMITATION
1	Application to set aside an <i>ex-parte</i> Order or restoration of the claim	Thirty days
2	Application for taxation	Sixty days
3	Others	Thirty days

Petroleum (Settlement of Disputes Arising From Upstream Petroleum Operations)

Gn. No. 620 (Contd)

THIRD SCHEDULE

(Made under rules 9(4), 11(1), 12(1), 13(1), 15(1), 30(2), 36(2) and 43(2))

FEEES FOR OIL/GAS COMPANIES OR SERVICE PROVIDERS

S/N	FEE	AMOUNT (USD)
1	Filing of a Complaint	2000
2	Filing of a Written Statement of Defence	2000
3.	Filing of a Reply to the Written Statement of Defence	2000
4.	Third Party Notice	2000
5.	Application to Intervene	3000
6.	Applications	2500

FEEES FOR OTHER INTERESTED PARTIES OTHER THAN OIL/GAS COMPANIES OR SERVICE PROVIDERS

S/N	FEE	AMOUNT (TZS)
1	Filing of a Complaint	1,000,000
2	Filing of a Written Statement of Defence	1,000,000
3.	Filing of a Reply to the Written Statement of Defence	1,000,000
4.	Third-Party Notice	1,000,000
5.	Application to Intervene	2,000,000
6.	Applications	1,500,000

Dodoma,
....., 2023

CHARLES SANGWENI
Director General