

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President.)
(Assented to 18 June 2005.)

ACT

To amend the Petroleum Products Act so as to effect certain technical amendments; to delete a condition regarding the purchase and sale of certain petroleum products; to adjust the provision dealing with the system for the allocation of certain licences; to extend the power of the Minister of Minerals and Energy to make regulations; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:-

Amendment of section 1 of Act 120 of 1977, as amended by section 1 of Act 61 of 1985, section 1 of Act 68 of 1991 and section 1 of Act 58 of 2003

1. Section 1 of the Petroleum Products Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "wholesale" of the following definition:

" 'wholesale' means the purchase and sale in bulk of petroleum products by a licensed wholesaler to or from another licensed wholesaler, or to or from a licensed manufacturer, or sale to a licensed retailer or to an end-consumer for own consumption and 'wholesaler' shall be interpreted accordingly;"

Amendment of section 2A of Act 120 of 1977, as inserted by section 3 of Act 58 of 2003

2. Section 2A of the principal Act is hereby amended by the substitution in subsection (4) for paragraph (c) of the following paragraph:
"(c) in the case of retail and wholesale licences be the owner of the business [entity] concerned;"

Amendment of section 2B of Act 120 of 1977, as inserted by section 3 of Act 58 of 2003

3. Section 2B of the principal Act is hereby amended by the deletion of subsection (6),

Amendment of section 2E of Act 120 of 1977, as inserted by section 3 of Act 58 of 2003

4. Section 2E of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Minister must prescribe a system for the allocation of site and their corresponding retail licences **[and the supply of prescribed petroleum products to such licensees,]** by which the Controller of Petroleum Products shall be bound: Provided that the Controller of Petroleum Products shall only be bound by the provisions of such a system for the period set out in that regulation or any amendment thereto or any substitution thereof which period may not exceed 10 years from the date of commencement of that regulation.";

(b) by the substitution in subsection (3) for paragraph (d) of the following paragraph:

"(d) must promote efficient investment in the retail sector and the productive use of retail facilities **and may in this regard—**

(i) **[by limiting] limit** the total number of site and corresponding retail licences in any period;

(ii) **[by linking] link** the total number of site and corresponding retail licences in any period, to the total mass or volume of prescribed petroleum products sold by licensed retailers: and

(iii) **[by] use any** other appropriate means;" and

(c) by the deletion in subsection (3) of paragraph (f).

Amendment of section 12C of Act 120 of 1977, as inserted by section 9 of Act 61 of 1991 and as substituted by section 13 of Act 58 of 2003

5. Section 12C of the principal Act is hereby amended by the insertion after subsection (1)(a) of the following paragraphs:

"(aA) regarding the purchase or sale by licensed wholesalers and manufacturers, of petroleum products manufactured from coal, natural gas or vegetable matter and conditions relating thereto:

(aB) regarding the supply, to a licensed retailer, of petroleum products manufactured from coal, natural gas or vegetable matter and conditions relating thereto:".

Short title

6. This Act is called the Petroleum Products Amendment Act, 2005, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.