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DEPARTMENT OF ENERGY

NO. R. 765

28 AUGUST 2015

PETROLEUM PIPELINES ACT, 2003

AMENDMENT OF REGULATIONS MADE IN TERMS OF THE PETROLEUM PIPELINES ACT, 2003 (ACT NO. 60 OF 2003)

The Minister of Energy has, in terms of section 33(1) read with section 33(2) of the Petroleum Pipelines Act, 2003, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations “the Regulations” means the regulations published under Government Notice No. R. 342 of 4 April 2008.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by-
 - (a) the deletion of the definition of “**environment**”; and
 - (b) the insertion after the definition of “**environment**” of the following definition:

“**land**” means land on which a licensed petroleum pipeline, storage facility or loading facility is situated or operated;”.

Amendment of regulation 4 of the Regulations

3. Regulation 4 of the Regulations is hereby amended by-
 - (a) the deletion in subregulation (6) of paragraph (c);
 - (b) the substitution in subregulation (6) for paragraph (e) of the following paragraph:

“(e) reasonable real return on the regulatory asset base which should be determined in accordance with section 28(2)(a) of the Act; and”;
 - (c) the insertion in subregulation (7) after paragraph (a) of the following paragraph:

“(aA) fairly reflect the investment in the regulatory asset base;”;
 - (d) the deletion of subregulation (8); and
 - (e) the substitution for subregulation (9) of the following subregulation:

“(9) The Authority must as appropriate-

(a) during the term of the licence; and

(b) at the end of the term of the licence or at any other time if the need arises,

conduct a comprehensive tariff setting exercise in the manner contemplated in subregulation (2).”.

Amendment of regulation 9 of the Regulations

4. The following regulation is hereby substituted for regulation 9 of the Regulations:

“Rehabilitation of land

9. (1) A licensee must inform the Authority in writing when it applies to the relevant environmental authority for an environmental impact assessment for the termination or abandonment of the licensed activity, in accordance with the National Environmental Management Act, 1998.

(2) A licensee must, at least six months prior to the termination or abandonment of a licensed activity, submit to the Authority, proof of the approval of the termination or abandonment of the licensed activity.

(3) The Authority must require the licensee to provide financial security or make arrangements, as may be acceptable to the Authority, for the purposes of rehabilitating the land used in connection with a licensed activity.

(4) The financial security contemplated in subregulation (3) may be in any form acceptable to the Authority and may only be used with the approval of the Authority.

(5) The Authority may, in writing, at any time, require written confirmation from a licensee that the licensee complies with the requirements of the National Environmental Management Act, 1998.

(6) The Authority may require written proof from the licensee that the authority responsible for administering the National Environmental Management Act, 1998 has approved the environmental impact assessment required by that Act.

(7) The Authority may not revoke the licence in respect of a licensed activity, before it is in receipt of a certificate from an independent consultant competent to conduct environmental impact assessments in accordance with the National Environmental Management Act, 1998, which states that the site has been rehabilitated.”.