



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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No. 9779

STATE PRESIDENT'S OFFICE

No. 1256.

5 June 1985

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 61 of 1985: Petroleum Products Amendment Act, 1985.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1256.

5 Junie 1985

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 61 van 1985: Wysigingswet op Petroleumprodukte, 1985.

Act No. 61, 1985

PETROLEUM PRODUCTS AMENDMENT ACT, 1985

GENERAL EXPLANATORY NOTE:

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

ACT

To amend the Petroleum Products Act, 1977, so as to amend the definition of "Minister"; to further regulate the powers of the Minister, and persons authorized by him, with regard to petroleum products; to create certain offences; and to provide for the extension of jurisdiction in respect of certain offences; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 29 May 1985.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 120 of 1977.

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 "Minister" of the following definition: 5

"'Minister' means the Minister of **[Economic Affairs]** Mineral and Energy Affairs";

Amendment of
section 2 of
Act 120 of 1977,
as amended by
section 1 of
Act 72 of 1979.

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

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words: 10

"The Minister **[the Secretary for Commerce or the Controller of Petroleum Products]** may by regulation or by notice in writing served on any person, whether personally or by post, and any person 15 authorized thereto by the Minister **[or the said Secretary or Controller]** may by such notice so served—"; and

(b) by the addition to subsection (1) of the following paragraphs: 20

"(d) regulate in such manner as he may deem fit, or prohibit, any business practice, method of trading, agreement, arrangement or understanding which, in the opinion of the Minister, is calculated to influence, or which may have the effect of influencing, directly or indirectly, the purchase or selling price of petroleum fuel at any outlet; 25

(e) regulate in such manner as he may deem fit the supply of any petroleum fuel to any business or undertaking conducted at any outlet, including the imposition of conditions relating to the price at which such product may be sold to such business or undertaking or at such outlet, or prohibit such supply." 30

Repeal of
section 4 of
Act 120 of 1977.

3. Section 4 of the principal Act is hereby repealed. 35

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Wet No. 61, 1985

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Petroleumprodukte, 1977, ten einde die omskrywing van "Minister" te wysig; die bevoegdhede van die Minister, en persone deur hom gemagtig, met betrekking tot petroleumprodukte verder te reël; sekere misdrywe te skep; en voorsiening te maak vir die uitbreiding van regsbevoegdheid ten opsigte van sekere misdrywe; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 29 Mei 1985.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Petroleumprodukte, 1977 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

Wysiging van artikel 1 van Wet 120 van 1977.

"Minister" die Minister van **[Ekonomiese Sake]** Mineraal- en Energiesake;

2. Artikel 2 van die Hoofwet word hierby gewysig—
10 (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

Wysiging van artikel 2 van Wet 120 van 1977, soos gewysig deur artikel 1 van Wet 72 van 1979.

"Die Minister **[die Sekretaris van Handel of die Kontroleur van Petroleumprodukte]** kan by regulasie of by skriftelike kennisgewing beteken aan iemand, hetsy persoonlik of deur die pos, en iemand deur die Minister **[of bedoelde Sekretaris of Kontroleur]** daartoe gemagtig, kan by sodanige kennisgewing aldus beteken—"; en

15 (b) deur die volgende paragrawe by subartikel (1) te voeg:

20 "(d) enige besigheidspraktyk, handelsmetode, ooreenkoms, reëling of verstandhouding wat, na die oordeel van die Minister, bereken is of die uitwerking kan hê om regstreeks of onregstreeks die koop- of verkoopprijs van petroleumbrandstof by 'n verspreidingspunt te beïnvloed, op die wyse wat hy goetvind, reël, of dit verbied;

25 (e) die verskaffing van enige petroleumbrandstof aan 'n besigheid of onderneming wat by 'n verspreidingspunt gedryf word, reël op die wyse wat hy goetvind, met inbegrip van die oplegging van voorwaardes betreffende die prys waarteen sodanige produk aan daardie besigheid of onderneming of by daardie verspreidingspunt verkoop mag word, of sodanige verskaffing verbied."

30 (f) die verskaffing van enige petroleumbrandstof aan 'n besigheid of onderneming wat by 'n verspreidingspunt gedryf word, reël op die wyse wat hy goetvind, met inbegrip van die oplegging van voorwaardes betreffende die prys waarteen sodanige produk aan daardie besigheid of onderneming of by daardie verspreidingspunt verkoop mag word, of sodanige verskaffing verbied."

35 3. Artikel 4 van die Hoofwet word hierby herroep.

Herroeping van artikel 4 van Wet 120 van 1977.

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Substitution of section 4A of Act 120 of 1977, as inserted by section 2 of Act 72 of 1979.

4. The following section is hereby substituted for section 4A of the principal Act:

"Regulation or prohibition of publication, releasing, announcement, disclosure or conveyance of information, or making of comment.

4A. The Minister may by regulation or by notice in writing served on any person, whether personally or by post, and any person authorized thereto by the Minister may by such notice so served, regulate in such manner as he may deem fit, or prohibit, the publication, releasing, announcement, disclosure or conveyance to any person of information or the making of comment regarding—

- (a) the source, manufacture, transportation, destination, storage, consumption, quantity or stock level of any petroleum product acquired or manufactured or being acquired or manufactured for or in the Republic;
- (b) the taking place and particulars of negotiations in respect of the acquisition of petroleum products for the Republic and the transportation or consumption thereof, or of any other business transaction in connection with any such petroleum product."

Amendment of section 4B of Act 120 of 1977, as inserted by section 2 of Act 72 of 1979.

5. Section 4B of the principal Act is hereby amended—

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

"(1) The Minister may enter into an agreement with any person or category of persons to exempt such person or category of persons from the provisions of a regulation or notice referred to in section 4A, and to regulate the publication, releasing, announcement, disclosure or conveyance of, or making of comments regarding, information in connection with petroleum products by such person or category of persons **[of anything referred to in that section]**"; and

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

"(3) In the event of the cancellation of any such agreement the provisions of **[section 4A]** the said regulation or notice referred to in section 4A shall apply to such person or category of persons with effect from the date of notification of the cancellation by notice in the *Gazette*."

Amendment of section 8 of Act 120 of 1977.

6. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The Minister may by notice in the *Gazette* declare any regulation issued under section 2 (1) (a) or 4A to apply also with reference to any person or category of persons in the service of the State while acting in the performance of his or their duties."

Amendment of section 11 of Act 120 of 1977, as substituted by section 4 of Act 72 of 1979.

7. Section 11 of the principal Act is hereby amended by the substitution for subparagraph (i) of paragraph (a) of the following subparagraph:

"(i) any local authority established under section 84 (1) (f) of the **[Republic of South Africa Constitution Act]** Provincial Government Act, 1961, (Act No. 32 of 1961);"

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4. Artikel 4A van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 4A van Wet 120 van 1977, soos ingevoeg deur artikel 2 van Wet 72 van 1979.

“Reëling van, of verbod op, publikasie, beskikbaarstelling, bekendmaking, mededeling of oordrag van inligting, of lewering van kommentaar.

4A. Die Minister kan by regulasie of by skriftelike kennisgewing beteken aan iemand, hetsy persoonlik of deur die pos, en iemand deur die Minister daartoe gemagtig, kan by sodanige kennisgewing aldus beteken, die publikasie, beskikbaarstelling, bekendmaking, mededeling of oordrag aan iemand van inligting of die lewering van kommentaar met betrekking tot—

(a) die oorsprong, vervaardiging, vervoer, bestemming, opberging, verbruik, hoeveelheid of voorraadpeil van enige petroleumproduk wat vir of in die Republiek verkry of vervaardig is of word;

(b) die plaasvind en besonderhede van onderhandelings ten opsigte van die verkryging van petroleumprodukte vir die Republiek en die vervoer of verbruik daarvan, of van enige ander besigheidstransaksie in verband met enige sodanige petroleumproduk,

op die wyse wat hy goetvind, reël, of dit verbied.”.

5. Artikel 4B van die Hoofwet word hierby gewysig—

Wysiging van artikel 4B van Wet 120 van 1977, soos ingevoeg deur artikel 2 van Wet 72 van 1979.

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister kan ’n ooreenkoms aangaan met enige persoon of kategorie persone om sodanige persoon of kategorie persone vry te stel van die bepalings van ’n regulasie of kennisgewing bedoel in artikel 4A, en om die publikasie, beskikbaarstelling, bekendmaking, mededeling of oordrag van, of lewering van kommentaar op, inligting aangaande petroleumprodukte deur sodanige persoon of kategorie persone [van enigiets wat in daardie artikel bedoel word,] te reël.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) In die geval van die kansellering van enige sodanige ooreenkoms, is die bepalings van [artikel 4A] die regulasie of kennisgewing bedoel in artikel 4A op sodanige persoon of kategorie persone van toepassing met ingang van die datum van bekendmaking van die kansellering by kennisgewing in die *Staatskoerant*.”.

6. Artikel 8 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 8 van Wet 120 van 1977.

“(1) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat ’n regulasie kragtens artikel 2 (1) (a) of 4A uitgevaardig, ook van toepassing is met betrekking tot iemand of ’n kategorie persone in diens van die Staat tydens die verrigting van sy of hulle pligte.”.

7. Artikel 11 van die Hoofwet word hierby gewysig deur subparagraaf (i) van paragraaf (a) deur die volgende subparagraaf te vervang:

Wysiging van artikel 11 van Wet 120 van 1977, soos vervang deur artikel 4 van Wet 72 van 1979.

“(i) ’n plaaslike bestuur kragtens artikel 84 (1) (f) van die [Grondwet van die Republiek van Suid-Afrika] Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), ingestel.”.

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Amendment of
section 12 of
Act 120 of 1977,
as amended by
section 5 of
Act 72 of 1979.

8. Section 12 of the principal Act is hereby amended—

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

“(1A) Any person who—

- (a) contravenes any prohibition referred to in section 2 (1) (d), 2 (1) (e) or 4A; 5

- (b) fails to comply with a provision of a regulation or a notice referred to in section 2 (1) (d), 2 (1) (e) or 4A, or commits an act in contravention of such a regulation or provision, 10
shall be guilty of an offence and liable on conviction to a fine not exceeding seven thousand rand or to imprisonment for a period not exceeding seven years or to both such fine and such imprisonment.”; and

- (b) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words: 15

“Except in the case of an offence under section [4 or] 7 or [mentioned in section 4A] subsection (1A) of this section, in so far as the said subsection creates an offence relating to section 4A, the court may, in addition to any penalty under subsection (1), on such conditions as it may deem fit to impose—”. 20

Insertion of
section 12A in
Act 120 of 1977.

9. The following section is hereby inserted in the principal Act after section 12:

“Jurisdiction. **12A.** (1) Any act prohibited by regulation or 25

notice referred to in section 4A and which is committed outside the Republic by any South African citizen or any person domiciled in the Republic, shall be deemed to have been committed in the Republic.

(2) Any offence contemplated in subsection (1) shall for the purposes of jurisdiction be deemed to have been committed in any place in the Republic where the accused happens to be. 30

(3) For the purposes of this section and any regulation or notice under this Act, ‘petroleum product’ shall include crude oil.”. 35

Short title and
commencement.

10. This Act shall be called the Petroleum Products Amendment Act, 1985, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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8. Artikel 12 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1A) deur die volgende subartikel te vervang:

“(1A) Iemand wat—

(a) 'n verbod bedoel in artikel 2 (1) (d), 2 (1) (e) of 4A oortree;

(b) versuim om te voldoen aan 'n bepaling van 'n regulasie of 'n kennisgewing in artikel 2 (1) (d), 2 (1) (e) of 4A bedoel, of 'n handeling in stryd met so 'n regulasie of kennisgewing verrig,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens seweduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens sewe jaar of met sodanige boete sowel as sodanige gevangenisstraf.”; en

(b) deur in subartikel (2) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

“Behalwe in die geval van 'n misdryf kragtens artikel [4 of] 7 of [in artikel 4A vermeld,] subartikel (1A) van hierdie artikel, vir sover genoemde subartikel 'n misdryf met betrekking tot artikel 4A skep, kan die hof, benewens enige straf kragtens subartikel (1), op die voorwaardes wat hy na goeddunke ople—”.

Wysiging van artikel 12 van Wet 120 van 1977, soos gewysig deur artikel 5 van Wet 72 van 1979.

9. Die volgende artikel word hierby in die Hoofwet na artikel 12 ingevoeg:

Invoeging van artikel 12A in Wet 120 van 1977.

“Jurisdiksie. **12A. (1)** 'n Handeling wat by regulasie of kennisgewing bedoel in artikel 4A verbied word en wat deur 'n Suid-Afrikaanse burger of iemand wat in die Republiek gedomisileer is, buite die Republiek gepleeg word, word geag in die Republiek gepleeg te wees.

(2) 'n Misdryf beoog in subartikel (1) word vir die doeleindes van jurisdiksie geag gepleeg te wees op enige plek in die Republiek waar die beskuldigde hom bevind.

(3) By die toepassing van hierdie artikel en enige regulasie of kennisgewing kragtens hierdie Wet, beteken ‘petroleumproduk’ ook ru-olie.”.

10. Hierdie Wet heet die Wysigingswet op Petroleumprodukte, 1985, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

