

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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[No. 6391

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 747.

5 April 1979.

No. 747.

5 April 1979.

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

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

—o. 30 of 1979: State Oil Fund Amendment Act, 1979.

No. 30 van 1979: Wysigingswet op die Staatsoliefonds, 1979.

Act No. 30, 1979

STATE OIL FUND AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the State Oil Fund Act, 1977, in order to provide for a levy on fuel; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 29 March 1979.)

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

Insertion of sections 1A, 1B and 1C in Act 38 of 1977.

1. The State Oil Fund Act, 1977, is hereby amended by the insertion of the following sections after section 1:

- 5
- 1A. (1) The Minister of Economic Affairs may in consultation with the Minister of Finance by notice in the *Gazette* or by notice in writing served on any person, whether personally or by post, impose a levy for the benefit of the Equalization Fund controlled by the SFF Association, a company incorporated in terms of the Companies Act, 1973 (Act No. 61 of 1973), on every litre of petrol, aviation spirit, kerosene, distillate fuel, residual fuel oil, naphtha, base oil, products of base oil or every kilogram of grease or liquefied petroleum gas which is manufactured, distributed or sold by an undertaking at any point in the Republic. 10 15
- (2) The notice shall state the amount of the levy, the interest payable in the event of the non-payment of the levy, the person who shall be liable for the payment thereof, the product referred to in subsection (1) in respect of which it shall be payable, the person who shall be responsible for the collection thereof and the times when and the manner in which it shall be paid to a person mentioned in the notice and be handed over by that person to the Equalization Fund. 20 25
- (3) The notice may exempt, in part or in full, any person from any provision thereof, or may contain a directive that the amount of a levy, where the levy is not imposed by notice in the *Gazette*, or the proceeds of a levy, shall not be disclosed by any person to any unauthorized person, or the notice may contain any appropriate condition: Provided that any such notice shall not contain any exemption from the payment of a levy. 30 35
- (4) The moneys raised by means of a levy—
- (a) shall be utilized—
- (i) for the financing of any increase in the cost of purchasing crude oil or petroleum products; or 40

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(ii) for or in connection with the purchase, acquisition, distribution, sale, saving, conservation, storage or utilization of crude oil or petroleum products, or the manufacture of or research in connection with petroleum products, as determined by the Minister of Economic Affairs in consultation with the Minister of Finance, and in accordance with directives so determined;

(b) that are not immediately required for a purpose referred to in paragraph (a), shall be invested with the Public Debt Commissioners or in such other manner as the Minister of Economic Affairs may in consultation with the Minister of Finance determine.

1B. Any person who—

(a) fails to comply with any provision of a notice under section 1A, or of any directive contained in such notice, when he is in terms of such notice or directive required to perform, or to abstain from doing, any act;

(b) without lawful reason refuses or fails to comply with any reasonable demand for information made by a person who is responsible in terms of a notice under section 1A for the collection of any levy, or by an officer in the service of the SFF Association or of the Department of Industries;

(c) resists or wilfully obstructs any person or officer referred to in paragraph (b) in the performance of his duties or the exercise of his powers under this Act or a notice thereunder;

(d) discloses to any unauthorized person any information in respect of a levy imposed under section 1A, or who allows the publication of any such information to any unauthorized person, shall be guilty of an offence and be liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

1C. The provisions of section 1A shall bind the State.

Substitution of long title of Act 38 of 1977.

2. The State Oil Fund Act, 1977, is hereby amended by the substitution for the long title of the Act of the following long title:

“To provide for the payment, as a charge to the State Revenue Fund, of certain moneys into the State Oil Fund and for the utilization and investment thereof; for the imposition of a levy on fuel and for the utilization and investment thereof; and for incidental matters.”

Validation of certain notices.

3. A notice served on any person, whether personally or by post before the date of promulgation of this Act but on or after 1 January 1979 and which purports to impose a levy as contemplated in subsection (1) of section 1A and to give effect to the provisions of subsection (2) of that section, shall for all purposes be deemed to be a notice served under section 1A (1) and to which the provisions of this Act apply.

Short title and commencement.

4. This Act shall be called the State Oil Fund Amendment Act, 1979, and shall be deemed to have come into operation on 1 January 1979.