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OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1256.

5 June 1985

No. 1256.

5 Junie 1985

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:—

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

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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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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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*.