

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.



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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1322.

22 June 1979.

No. 1322.

22 Junie 1979.

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

No. 72 of 1979: Petroleum Products Amendment Act, 1979.

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

No. 72 van 1979: Wysigingswet op Petroleumprodukte, 1979.

Act No. 72, 1979

PETROLEUM PRODUCTS AMENDMENT ACT, 1979.

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 extend certain control of petroleum products; to prohibit the publication of certain information regarding petroleum products; to regulate afresh certain presumptions with reference to criminal proceedings under the said Act; and to further regulate the disposal of certain moneys; and to provide for matters incidental thereto.

*(English text signed by the Acting State President.)
(Assented to 13 June 1979.)*

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

Amendment of
section 2 of
Act 120 of 1977.

1. Section 2 of the Petroleum Products Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph: 5

“(a) for the purposes of ensuring a saving of petroleum products, regulate in such manner as he may deem fit, including the imposition upon any person of any duty in 10 connection therewith, or prohibit—

- (i) the use of any petroleum product for any purpose specified in the regulation or notice, as the case may be, or for the performance of any act so specified in a manner so specified; 15
- (ii) the purchase, sale, supply, acquisition, possession, disposal, storage or transportation or the recovery and re-refinement of any petroleum product so specified;”

Insertion of
sections 4A
and 4B in
Act 120 of 1977.

2. The following sections are hereby inserted in the principal Act after section 4: 20

“Prohibition of publication of certain information.

4A. (1) No person shall publish in any newspaper, periodical, book or pamphlet or by radio, television or any other means—

(a) information in relation to— 25

- (i) the source, manufacture, transportation, destination, storage, quantity or stock level of any petroleum products acquired or manufactured or being acquired or manufactured for or in the Republic; 30

(ii) the taking place and particulars of negotiations in respect of the acquisition of petroleum products for the Republic and the transportation thereof; or

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- (b) any statement, comment or rumour calculated directly or indirectly to convey such information or anything purporting to be such information, except—
- (i) on the written authority of the Minister or of the Controller of Petroleum Products; 5
 - (ii) for the purpose of performing his duties or functions in terms of this Act;
 - (iii) when required to do so by order of any court of law or in terms of any law; or 10
 - (iv) in terms of an exemption under an agreement envisaged in section 4B and published as determined in that section.
- (2) Any person who contravenes the provisions of subsection (1), and the proprietor, printer, publisher or editor of any newspaper, periodical, book or pamphlet, or the broadcaster of any radio or television programme, in which any information referred to in subsection (1) has been published in contravention of subsection (1), shall be guilty of an offence. 15 20
- (3) Any person who causes to be published outside the Republic anything of which the publication is prohibited by subsection (1), shall be guilty of an offence.
- (4) Any act prohibited in subsection (1) 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 also in the Republic. 25
- (5) Any offence contemplated in subsection (4) shall for the purposes of jurisdiction be deemed to have been committed in any place in the Republic where the accused happens to be.
- (6) For the purposes of this section 'petroleum product' includes crude oil. 35

Minister
may enter
into certain
agreement.

- 4B. (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 section 4A and to regulate the publication by such person or category of persons of anything referred to in that section. 40
- (2) (a) Any agreement in terms of subsection (1) shall be published in the *Gazette* and may not be unilaterally cancelled save in the case of a serious breach of the provisions thereof. 45
- (b) In the case of a dispute as to the question whether or not there is such a breach, such dispute shall be submitted to a tribunal specified in the agreement, for a decision.
- (3) In the event of the cancellation of any such agreement the provisions of 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*." 50

Amendment of
section 9 of
Act 120 of 1977.

3. Section 9 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection: 55

"(4) If in any prosecution for a contravention of a prohibition imposed under section 2 (1) (a) relating to the use of any petroleum product specified in the charge, it is proved that the accused performed an act which would have constituted the contravention if only such petroleum product had been used for the performance of that act, it shall be presumed [unless the contrary is proved] that [the accused used] only such petroleum product was used for the performance of that act, unless it is proved that other factors contributed to the performance of that act to the extent that in the absence thereof that act would not have been performed." 60 65

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Amendment of
section 11 of
Act 120 of 1977.

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

- “(a) from time to time direct that any moneys recovered by way of fines or estreated bail in connection with an offence or category of offences under this Act and specified in the direction, shall be paid to—
- (i) any local authority established under section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961);
 - (ii) a provincial administration (including the Administration of South West Africa); **[or]**
 - (iii) a government of any territory which is a self-governing territory within the Republic in terms of any law;
 - (iv) any other person; or
 - (v) any fund established by any law,
- [and]** which is designated, or determined in accordance with the requirements, circumstances or particulars stated, in the direction;”

Amendment of
section 12 of
Act 120 of 1977.

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

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) **[Any person who]** If any person contravenes or fails to comply with any provision of this Act, and such contravention or failure is not elsewhere in this Act declared an offence, or [who] hinders an inspector in the exercise of his powers or the performance of his duties under this Act, he shall be guilty of an offence and 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.”;
- (b) by the insertion after subsection (1) of the following subsection:
- “(1A) Any person shall on conviction of an offence mentioned in subsection 4A be liable 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.”;
- (c) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- “(2) Except in the case of an offence under section 4 or 7, or mentioned in section 4A, the court may, in addition to any penalty under subsection (1), on such conditions as it may deem fit to impose—”.

Substitution of
long title of
Act 120 of 1977.

6. The following long title is hereby substituted for the long title of the principal Act:

“ACT

To provide measures for the saving of petroleum products and an economy in the cost of the distribution thereof, and for the maintenance of a price therefor; for control of the furnishing of certain information regarding petroleum products; and for the rendering of services of a particular kind, or services of a particular standard, in connection with motor vehicles; and to provide for matters incidental thereto.”

Short title.

7. This Act shall be called the Petroleum Products Amendment Act, 1979.