

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.



# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

---

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

Prys 20c Price  
Oorsee 30c Overseas  
POSVRY—POST FREE

---

Vol. 145]

KAAPSTAD, 29 JULIE 1977

[No. 5672

CAPE TOWN, 29 JULY 1977

---

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1362.

29 Julie 1977.

No. 1362.

29 July 1977.

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

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

No. 120 van 1977: Wet op Petroleumprodukte, 1977.

No. 120 of 1977: Petroleum Products Act, 1977.

# 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 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.

*(English text signed by the State President.)*  
*(Assented to 11 July 1977.)*

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

## Definitions.

1. In this Act, unless the context otherwise indicates—
  - (i) "inspector" means a person appointed or authorized in terms of section 3 to act as an inspector; (iii)
  - (ii) "Minister" means the Minister of Economic Affairs; (iv)
  - (iii) "outlet", in relation to a petroleum product, means any place where any petroleum product is sold or is offered for sale to consumers; (viii)
  - (iv) "petroleum product" means any petroleum fuel and any lubricant, whether used or unused, and includes any other substance which may be used for a purpose for which petroleum fuel or any lubricant may be used; (v)
  - (v) "Republic" includes the territory of South West Africa; (vi)
  - (vi) "service" means the repair and maintenance of motor vehicles, and includes any other service provided at an outlet in connection with a motor vehicle; (i)
  - (vii) "this Act" includes any regulation or notice issued or given in terms of this Act; (ii)
  - (viii) "Treasury" means the Minister of Finance or an officer in the Department of Finance who, by virtue of a division of work in that Department, deals with the matters assigned to the Treasury by this Act. (vii)

## Powers of Minister and others with regard to petroleum products.

2. (1) 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 authorized thereto by the Minister or the said Secretary or Controller may by such notice so served—
  - (a) for the purposes of ensuring a saving of petroleum products, regulate in such manner as he may deem fit, 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;

Act No. 120, 1977

## PETROLEUM PRODUCTS ACT, 1977.

- (ii) the purchase, sale, supply, acquisition, possession, storage or transportation or the recovery and re-refinement of any petroleum product so specified;
- (b) for the purposes of ensuring an economy in the cost of distribution of petroleum products or the rendering of a service of a particular kind or of services of a particular standard, regulate in such manner as he may deem fit, or prohibit—
  - (i) the supply to any person of any equipment intended for the dispensing of any petroleum product;
  - (ii) the establishment or creation of an outlet for the sale of any petroleum product;
  - (iii) the transfer from one place to another of any business or undertaking conducted at an outlet;
  - (iv) the change of suppliers of petroleum products to any business or undertaking conducted at any outlet;
  - (v) the rendering of any service;
  - (vi) the supply of petroleum products to any business or undertaking conducted at any outlet at which any service of a particular kind or a service of a particular standard is not available to the public;
- (c) prescribe the price at which any petroleum product may be sold by any person.

(2) Different regulations or notices may be issued under subsection (1) in respect of different classes or kinds of petroleum products or services or different persons or categories or groups of persons.

Appointment  
and powers  
of controllers  
and inspectors.

3. (1) The Minister may—

- (a) subject to the laws governing the public service, appoint any person in the public service as Controller of Petroleum Products and appoint persons in the public service as regional controllers of petroleum products or as inspectors for the Republic or any part thereof;
- (b) on such conditions and at such remuneration as he may in consultation with the Treasury determine, appoint or authorize any other person or person belonging to any other category of persons to act as regional controller of petroleum products or as inspector for the Republic or any part thereof.

(2) Subject to the provisions of this Act, the Controller of Petroleum Products, a regional controller of petroleum products and an inspector—

- (a) may assist the Minister in the exercise of his powers and the performance of his functions under this Act;
- (b) may gather such information in connection with the operation or administration of this Act as the Minister may desire, and investigate any offence relating to this Act.

(3) The Minister shall, subject to the provisions of this Act, determine the powers, duties and functions of the Controller of Petroleum Products, a regional controller of petroleum products and an inspector, and different powers, duties and functions may thus be determined in respect of different persons or categories of persons appointed or authorized under subsection (1).

(4) (a) Until such time as a notice is issued under section 334

(1) of the Criminal Procedure Act, 1977, in respect of an inspector under this Act, the Minister may in respect of an offence under this Act, by regulation confer upon an inspector such powers as he may deem necessary, expedient or useful in respect of—

- (i) the searching without warrant of any premises, including any vehicle, vessel or aircraft and any receptacle of whatever nature;

## Act No. 120, 1977

## PETROLEUM PRODUCTS ACT, 1977.

(ii) the seizure without warrant of any petroleum product and the disposal thereof.

(b) Different powers may be conferred under paragraph (a), or under the said section 334 (1), in respect of different inspectors or categories of inspectors.

(c) A notice issued under the said section 334 (1) shall have the effect of repealing any regulation made under paragraph (a).

(5) An inspector, when exercising any power or performing any function under this section or a notice under section 334 (1) of the Criminal Procedure Act, 1977, shall be subject to the directions and control of the Minister and no power conferred upon such inspector shall be exercised by him unless he is at the time of exercising such power in possession of a certificate of appointment issued by the Minister in terms of subsection (1) (a) or (b), which certificate shall be produced on demand.

(6) A document in the form determined by the Minister, certifying that any person has been appointed or authorized to act as Controller of Petroleum Products or as regional controller of petroleum products or as inspector under this Act, and purporting to have been signed by a person designated for the purpose by the Minister, shall be *prima facie* proof of such appointment or authorization.

## Secrecy.

4. No person shall disclose any information in respect of any business, which came to his knowledge in the performance of his duties or functions in terms of this Act, except—

(a) for the purpose of performing his duties or functions in terms of this Act; or

(b) when required to do so by order of any court or in terms of any law.

## Exemptions.

5. The Minister may on such conditions as he may deem fit, by regulation or by notice in writing to any person or category or group of persons, exempt such person or category or group of persons from any provision of this Act.

## Delegation of powers.

6. The Minister may, subject to such conditions as he may deem fit, authorize any person to exercise on his behalf any of the powers conferred upon him by this Act.

## Liability of employer or principal.

7. (1) An act or omission of an employee, manager or agent which constitutes an offence under this Act, shall be deemed to be the act or omission of his employer or principal, and such employer or principal may be convicted and sentenced in respect thereof unless he proves—

(a) that he did not permit or connive at such act or omission;

(b) that he took all reasonable measures to prevent an act or omission of the nature in question; and

(c) that an act or omission, whether legal or illegal, of the nature in question did not under any condition or in any circumstances fall within the course of employment or the scope of the authority of the employee, manager or agent concerned.

(2) For the purposes of subsection (1) (b) the fact that an employer or principal forbade an act or omission of the nature in question shall not by itself be regarded as sufficient proof that he took all reasonable measures to prevent such an act or omission.

(3) The provisions of subsection (1) shall not relieve the employee, manager or agent concerned of liability to be convicted and sentenced in respect of the act or omission in question.

## Application of certain regulations to persons in service of State.

8. (1) The Minister may by notice in the *Gazette* declare any regulation issued under section 2 (1) (a) to apply also with reference to any person or any category of persons in the service

Act No. 120, 1977

PETROLEUM PRODUCTS ACT, 1977.

of the State while acting in the performance of his or their duties.

(2) A notice issued under subsection (1) may grant exemption from the provisions thereof or may provide for the granting of such exemption.

Evidence.

9. (1) A certificate purporting to be issued by the Minister or any person authorized thereto by the Minister and setting forth the price at which it would have been permissible for any particular person to sell on any particular date or during any particular period any petroleum product specified in the certificate, shall on its mere production by any person in any criminal proceedings be *prima facie* proof of such price.

(2) Any statement or entry contained in any book or document kept by any person or his manager, agent or employee, shall be admissible against such person in any criminal proceedings under this Act as an admission of the facts set forth in such statement or entry, unless it is proved that the statement or entry was not made by such person or his manager, agent or employee.

(3) If it is alleged in a charge in any criminal proceedings under this Act—

(a) that any petroleum product alleged to have been sold or purchased, or supplied or acquired, is a petroleum product of a particular class or kind; or

(b) that any petroleum product or service is a petroleum product or service of a kind to which any provision of this Act applies,

such allegation shall be deemed to constitute sufficient proof of the matter alleged until the contrary is proved.

(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 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 such petroleum product for the performance of that act.

Construction of reference in certain laws to certain amounts.

10. (1) In the application of sections 258, 259, 309*bis* and 351 of the Criminal Procedure Act, 1955 (Act No. 56 of 1955), and of sections 233, 234, 290 and 337 of the Criminal Procedure Ordinance, 1963 (Ordinance No. 34 of 1963), of South West Africa, in respect of an offence under this Act, any reference in any such section to an amount of one hundred rand shall be construed as a reference to an amount of five hundred rand.

(2) In the application in the Eastern Caprivi Zipfel of sections 244, 245 and 323 of the Criminal Procedure and Evidence Proclamation, 1935 (Proclamation No. 30 of 1935), of South West Africa, in respect of an offence under this Act, any reference in any such section to an amount of fifteen pounds shall be construed as a reference to an amount of five hundred rand.

(3) In the application of section 96 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), to a sentence in a criminal case in respect of any offence under this Act, the reference in that section to an amount of two hundred and fifty rand shall be construed as a reference to an amount of five hundred rand.

(4) After the repeal by the Criminal Procedure Act, 1977, of a section referred to in subsection (1), (2) or (3), any reference in section 56, 57 or 112 of the said Criminal Procedure Act, 1977, to an amount of one hundred rand, or in section 302 of that Act to an amount of two hundred and fifty rand, shall be construed as a reference to an amount of five hundred rand.

Disposal of certain moneys.

11. The Minister may, in consultation with the Minister of Finance—

(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 any local

## Act No. 120, 1977

## PETROLEUM PRODUCTS ACT, 1977.

authority established under section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), a provincial administration (including the Administration of South West Africa) or a government of any territory which is a self-governing territory within the Republic in terms of any law, and which is designated, or determined in accordance with the requirements, circumstances or particulars stated, in the direction;

(b) amend or revoke any direction given under paragraph (a).

Offences and penalties.

12. (1) Any person who contravenes or fails to comply with any provision of this Act, or who hinders an inspector in the exercise of his powers or the performance of his duties under this Act, 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.

(2) Except in the case of an offence under section 4 or 7, the court may, in addition to any penalty under subsection (1), on such conditions as it may deem fit to impose—

(a) suspend or cancel the driver's licence, or the licence, permit or authorization to use a motor vehicle for a particular purpose, of any person who committed the offence in question by using, or by means or with the aid of, a motor vehicle;

(b) suspend or cancel the trading licence, permit or authorization of the person convicted, which is required in respect of the sale of any petroleum product, if the offence in question relates to the sale of any petroleum product;

(c) confiscate any property of the person convicted, which was used to commit the offence in question or by means or with the aid of which the offence in question was committed.

Application of this Act in South West Africa.

13. This Act and any amendment thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel.

Short title and commencement.

14. (1) This Act shall be called the Petroleum Products Act, 1977, and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.