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## GOVERNMENT NOTICES

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### DEPARTMENT OF MINERALS AND ENERGY

No. R. 1126

18 November 2005

#### PETROLEUM PRODUCTS ACT, 1977 (Act No. 120 of 1977)

#### REGULATIONS REGARDING PETROLEUM PRODUCTS SITE AND RETAIL LICENCES

The Minister of Minerals and Energy has under sections 2B, 2D, 2E and 12C(1)(a) of the Petroleum Products Act, 1977 (Act No.120 of 1977) made the regulations in the Schedule.

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## Definitions

1 In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context otherwise indicates -

**“auditor”** means a person registered as an auditor in terms of the Public Accountants’ and Auditors’ Act, 1991 (Act 80 of 1991);

**“certified copy”** means a photocopy of an original document that has been-

- (a) attested as a true copy of the original and is marked with the words “original seen” or “true copy of original document”; and
- (b) signed and stamped by a Commissioner of Oaths as contemplated in the Justices of the Peace and Commissioners Oath Act, 1963 (Act No. 16 of 1963) and where the stamp includes the competent person’s capacity, physical address and, if applicable, licence number;

**“Controller”** means the Controller of Petroleum Products contemplated in Section 3(1) of the Act;

**“declaration”** means an affidavit, affirmation or solemn or attested declaration made before and signed in front of a commissioner of oaths as contemplated in the Justices of the Peace and Commissioners Oath Act, 1963 (Act No. 16 of 1963);

**“designated wholesaler”** means a licensed wholesaler who supplies licenced retailers with prescribed petroleum products, of whom less than 25 percent are historically disadvantaged South Africans;

**“Environment Conservation Act”** means, the Environment Conservation Act, 1989 (Act No. 73 of 1989);

**“new”** means not existing at the commencement of the Amendment Act; unless the context indicates otherwise;

**“prescribed petroleum products”** means, in this Regulation, petrol, diesel and liquefied petroleum gas used for the propulsion of vehicles on public roads;

**“retail asset network owner”** means a person who holds more than one site licence;

**“site licence”** means a licence issued to any person who holds or has permission from the owner of the land to develop a site for the purpose of retailing prescribed petroleum products;

**“temporary licence”** means a licence issued to any person for a specified time period, not exceeding six months, in respect of a retailing operation that has been previously licenced as contemplated in section 2B (5) of the Act;

**“the Act”** means the Petroleum Products Act, 1977 (Act No. 120 of 1977); as amended

**“the Amendment Act”** means the Petroleum Products Amendment Act 2003 (Act No. 58 of 2003);

**“training”** means learnerships as contemplated in Section 16 of the Skills Development Act 1998 (No. 97 of 1998) and **“trained”** must be interpreted accordingly.

**Scope of regulation**

- 2 This Regulation applies to site and retail licences.

**CHAPTER 1****SITE LICENCES*****Application for a new site licence by any person who qualifies in terms of section 2D of the Act***

- 3 Any person who holds or is in the process of developing a site in terms of Section 2D of the Act, must –
- (1) apply to the Controller for a site licence by completing the application form contained in Annexure A; and
  - (2) lodge that application with the Controller together with the documents specified in Annexure B.
- 4 The application contemplated in regulation 3 above must be lodged together with an application for a corresponding retail licence.

***Application for site licence by any person who does not qualify in terms of section 2D of the Act***

- 5 Any person who does not qualify in terms of Section 2D of the Act must –
- (1) apply to the Controller for a site licence by completing the form contained in Annexure A;
  - (2) lodge that application with the Controller together with the documents specified in Annexure B; and
  - (3) not commence with construction of the site until a licence has been issued by the Controller.
- 6 The application for a site licence contemplated in regulation 5 above must be lodged together with an application for a corresponding retail licence;

**Site licence evaluation procedure**

7 In evaluating a site licence application, the Controller must be satisfied that

- 
- (1) a corresponding valid retail licence application exists for that site;
- (2) if there is no valid retail licence application for that site, notify the applicant in writing that the application has been unsuccessful because a valid retail licence application for that site does not exist;
- (3) the applicant is the owner of the site;
- (4) the application form has been completed in full;
- (5) all the documents specified in Annexure B have been submitted with the application form;
- (6) the documents submitted with the application form are true and correct documents;
- (7) the applicant has paid the site licence fee determined in Annexure C; and
- (8) An applicant, for a site licence, who does not qualify in terms of section 2D of the Act, must provide proof of payment of any monies due, in terms of any Act or regulations for the purposes of rehabilitating a site upon the cessation of retailing activities.
  - (a) An applicant must lodge the required proof of payment contemplated in Subregulation 7(8) above to the Controller upon application for the site licence.

**Conditions for issuing a site licence**

8 The Controller must, if satisfied that an application for a site licence meets the requirements of the Act and this regulation –

- (1) issue a letter informing the applicant that the application is successful, and indicating in the letter the application fee specified in Annexure C, to be paid into a Bank account stipulated in this regulation.
- (2) then issue the site licence upon receipt of the original letter or certified copy of the original and the proof of payment, contemplated in Subregulation 8(1) above.

***Conditions of a site licence***

- 9 A site licence or a certified copy thereof, must be prominently displayed at the place of business, where any person entering the site may read it.
- 10 The licensee must comply to all conditions of a site license, stipulated in this Regulation, and with other relevant national, provincial and local government laws for the site licence to remain valid.

***Transfer of a site licence***

- 11 A site licence must be transferred when the land in respect of which the site licence has been issued changes ownership, provided that –
  - (1) the new owner of that land applies in writing to the Controller to have that licence transferred within six months of taking ownership of the site;
  - (2) the applicant pays an administration fee specified in Annexure C, into a Bank account stipulated in this Regulation; and
  - (3) the applicant must provide a certified copy of the title deed or a certified copy of the deed of transfer, to the Controller on application.
- 12 Any new owner of land, in respect of which a site licence has been issued, who fails to apply for the transfer of a site licence, within six months of taking ownership of that site, shall be in contravention of the Act and this Regulation.

## CHAPTER 2

### RETAIL LICENCES

#### ***Application for retail licence in respect of a retailing operation existing at the commencement of the Amendment Act***

13 Any person retailing petroleum products who qualifies in terms of Section 2D of the Act must –

(1) apply to the Controller for a retail licence by completing the form contained in Annexure A; and

(2) lodge that application with the Controller together with the documents specified in Annexure D.

14 The application for a retail licence contemplated in regulation 13 above must be lodged together with an application for a corresponding site licence.

15 A retail licence contemplated in Regulation 13 above may not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this Regulation;

16 In the event that the person contemplated in Regulation 13 above fails to apply for the retail licence within six months of the Amendment Act coming into operation, that person will be treated according to Regulation 17 below.

#### ***Application for a new retail licence in respect of a retailing operation that never existed at the commencement of the Amendment Act***

17 Any person who does not qualify in terms of Section 2D of the Act must –

(1) apply to the Controller for a retail licence by completing the form contained in Annexure A; and

(2) lodge that application with the Controller together with the documents specified in Annexure D.



- 18 The application for a retail licence contemplated in Regulation 17 above must be lodged together with an application for a corresponding site licence.
- 19 When an application is made for a licence as contemplated in Regulation 17 above, the Controller may require the applicant to follow a public consultation process, which shall be determined by the Controller.

***Criteria for retail licences that do not qualify in terms of section 2D of the Act***

- 20 An applicant, for a retail licence, who does not qualify in terms of section 2D of the Act, must provide proof of payment of any monies due, in terms of any Act or regulations for the purposes of rehabilitating land used in connection with retailing activities upon the cessation of such retailing activities, prior to the retail licence being issued;
- 21 A retail licence for a retailing activity that does not qualify in terms of section 2D of the Act, may only be issued after the Controller has been satisfied that the retailing activity for which the licence is applied for is economically viable.
- 22 In determining economic viability, the Controller must ensure that the net present value (NPV) of the business is positive and audited to this effect;
- 23 In the event that the HDSA retailers associated with an retail asset network owner, hold less than 25 percent of all retail licences in that network then retail licences -
- (1) must only be issued to HDSA applicants to conduct the business of retailing prescribed petroleum products or;
  - (2) may be issued to other applicants, subject to a submission of a plan, at a time to be specified by the Controller, to achieve the 25 percent HDSA retailers by the year 2010, by such a retail asset network owner.
- 24 The prevailing percentage of retail licences possessed by HDSA's as contemplated in Regulation 23 above be based on actual figures captured on the licensing system.

***Retail licence evaluation procedure***

25 In evaluating a retail licence application, for an application that qualifies in terms of section 2 (D) of the Amendment Act, the Controller must –

- (1) establish whether or not a corresponding valid site licence exists for that site; and
- (2) if there is no valid site licence for that site, notify the applicant in writing that the application has been unsuccessful because a valid site licence for that site does not exist; and
- (3) ensure that the application form has been completed in full in that –
  - (a) all the documents specified in Annexure D have been submitted with the application form;
  - (b) the documents submitted with the application form are true and correct documents; and
- (4) the applicant has paid the application fee determined in Annexure C;

26 The Controller must, if satisfied that an application for a licence meets the requirements of the Act and this Regulation, issue the licence for which such application was made;

27 In evaluating a retail licence application, for an application that does not qualify in terms of section 2(D) of the Amendment Act, the Controller must –

- (1) establish whether or not a corresponding valid site licence exists for that site; and
- (2) if there is no valid site licence for that site, notify the applicant in writing that the application has been unsuccessful because a valid site licence for that site does not exist; and
- (3) ensure that the application form has been completed in full –
  - (a) all the documents specified in Annexure D have been submitted with the application form;
  - (b) the documents submitted with the application form are true and correct documents; and
- (4) the applicant has paid the application fee determined in Annexure C;

28 A retail licence for a retailing activity that does not qualify in terms of section 2D of the Act, may only be issued after the Controller has been satisfied that the retailing activity for which the licence is applied for is economically viable;

(1) In determining economic viability, the Controller must ensure that –

- (a) the period to be used in the calculation is 20 years;
- (b) a discount rate that is to be published by the controller at the end of February every year.
- (c) the retail margin as reflected in Table 1;
- (d) a repayment period of the longest loan, debt or other type of financing excluding equity is not more than 20 years;
- (e) the rent specified by the landlord;
- (f) the franchise fee payments payable to the franchisor;
- (g) any payments due to the landowner in lieu of rehabilitation;
- (h) all other payments and guarantees payable to the franchisor;
- (i) estimated volumes of petrol and diesel to be sold;
- (j) have once-off payments payable to any person such as those colloquially referred to as “key money” and “goodwill payments”;
- (k) a fair share of total costs of the operations conducted on that site, being allocated to retailing prescribed petroleum products;
- (l) labour costs adjusted annually for inflation;
- (m) all factors necessary to properly calculate the net present value have been included;
- (n) all capital expenditures and incomes have been included in the net present value calculation;
- (o) all other business assumptions used in the net present value calculation are fair and reasonable;
- (p) the net present value calculation has been correctly calculated;
- (q) that the real net present value contemplated above is positive;

29 If an applicant for a retail licence receives a notification contemplated in Subregulation 25(1), then that applicant is not disqualified from making further applications in respect of that site;

***Conditions of issuing a retail licence***

30 The Controller must, if satisfied that an application for a retail licence meets the requirements of the Act and this regulation -

- (1) issue a letter informing the applicant that the application is successful, and indicating in the letter the application fee specified in Annexure C, to be paid into a Bank account stipulated in this regulation.
- (2) then issue the retail licence upon receipt of the original letter or certified copy of the original and the proof of payment, contemplated in Subregulation 30(1) above.

***Conditions of retail licence***

31 A licenced retailer may only retail from the site specified on their retail licence.

32 A retail licence may not be transferred to another person.

33 A retail licensee must pay the annual licence fee determined in Annexure C before the anniversary date of issue of the licence each year.

34 The payment contemplated in Regulation 33 above must be accompanied by a fully completed, retail licence annual submission form determined in Annexure A.

35 A licenced wholesaler contracted to supply prescribed petroleum products to a licenced retailer and/or the rightful owner of the site licence may apply in writing to the Controller to declare the licenced retail activity concerned, no longer a going concern.

- (1) An submission contemplated in Regulation 35 above must be accompanied by a report from an independent auditor, appointed by the wholesaler or the rightful owner of the site licence, setting out the recorded petroleum product stock levels and meter readings of sales on the petroleum product dispensing equipment concerned, that demonstrate that the licenced retail activity is not a going concern, provided that the licenced retailer and the licenced wholesaler concerned may agree, in writing, to another procedure;

- (2) A retail licensee must allow an auditor appointed in accordance with Subregulation 35(1) above, access to the relevant site for the purposes of conducting the measurements contemplated in that Regulation.

36 A retail licence or a certified copy thereof, must be prominently displayed at the place of business, where any person entering the site may read it;

#### ***Transfer of a retail licence***

37 A retail licence is not transferable;

38 In the event that any person wishes to replace a licensee or person specified in a retail licence, that person must—

- (1) submit an application for a retail licence to the Controller in accordance with the provisions of Regulation 17 above; and
- (2) attach a certified copy of the previous or current retail licence in question.

#### ***Temporary Retail licences***

39 Any person may apply for a temporary retail licence in respect of a retailing operation that has been previously licenced.

40 An application for a temporary retail licence must be made to the Controller on the application form contained in Annexure A and -

- (1) be made in writing;
- (2) set out the reasons for the application;
- (3) include a motivation for a temporary licence;
- (4) include reasons why the applicant is the appropriate person to be issued a temporary licence;
- (5) provide details of the means and resources available to the applicant in order to return the business to normal operations;
- (6) be accompanied by a certified copy of the applicant's identity document if the applicant is an individual;
- (7) be accompanied by a certified copy of its registration documents.
- (8) A temporary licence must only be issued in respect of a retailing business that was previously licenced.

- (9) the Controller may set special conditions for a temporary retail licence according to the circumstances presented.
- (10) A Temporary licence must not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this regulation.
- (11) Provide proof of payment contemplated in Subregulation 40(10), and the letter or certified copy of the letter contemplated in regulation??, in collection of applicants temporary licence.

***Commencement and continuation of business under retail licence***

- 41 A retail licensee must commence with retail sales at the corresponding site within a period of six months after the date on which a retail licence has been issued to the licensee, failing which the licence lapses.
- 42 The Controller may, upon application in writing, extend the period of time contemplated in Regulation 41 above for a consecutive period of six months for a total period not exceeding 12 months.
- 43 The Controller may request the information necessary from the applicant, concerning an application contemplated in Regulation 42 above;



### CHAPTER 3 GENERAL PROVISIONS

#### ***Unsuccessful application for licence***

44 If the Controller declines to issue a licence, the applicant must be informed with reasons of that decision in writing;

#### ***Information to be submitted to Controller by retail licensee-***

45 A retail licensee must declare to the Controller that the ownership of the licenced activity has not changed.

46 The declaration contemplated in Regulation 45 above must be –

- (1) in writing;
- (2) made before or on the anniversary date of the licence date of issue;
- (3) accompanied by an auditor's written opinion confirming that the declaration is correct;

47 A retail licensee must submit to the Controller, not later than the end of February of each year, the following information in respect of the preceding calendar year:

- (1) the volumes of petrol, diesel and illuminating paraffin sold;
- (2) the number of employees by race, gender and disabled persons;
- (3) a report on the training and the number and title of the qualifications obtained by learners in the employ of the licensee;
  - (a) a declaration that the licenced retail business is not owned by a wholesaler;
  - (b) a declaration by an auditor on the extent of ownership, expressed as a percentage, of the business, owned by historically disadvantaged South Africans as defined in the Charter, provided that a licensee that is a sole trader need not submit such a declaration.

**Training**

48 A licenced wholesaler may, for training purposes, be issued a number of retail licences that meet the provisions of these regulations, as follows:

- (1) one retail licence for the first 100 sites supplied with prescribed petroleum products by that wholesaler; and
- (2) one retail licence for every additional 200 sites supplied with prescribed petroleum products by that wholesaler; but no more than nine retail licences.

49 An applicant for a retail licence contemplated in Subregulation 48 (1) above must submit with the application a declaration stating that the licenced retailing activity will be used for training purposes.

**Application for duplicate site or retail licence**

50 When a site or retail licence has been lost, damaged or destroyed the licensee may apply to the Controller for a duplicate thereof;

51 An application contemplated in Regulation 50 above must be accompanied by -

- (1) an affidavit stating reason/s for application contemplated in Regulation 50 above;
- (2) the applicants identity number or entity registration number, as the case may be, and the number of the lost damaged or destroyed licence;
- (3) the fee payment set out in Annexure C, into the bank account stipulated in this regulation.

**Amendment of licence**

52 An application for the amendment to a licence related to changes of ownership must be dealt with as if it is an application for a new licence.

53 In the case of change in licensee's particulars, new details can be indicated in section 2 of the Retail Licence Annual Submission Form and Change in Particulars contemplated in annexure A, must be completed and lodged to the controller.

***Surrender, suspension and cancellation of licence***

54 A licensee may at any time by notice in writing to the Controller surrender that licence, with reasons.

55 If a licensee fails to comply with any provision of the Act or these regulations, or any condition of a licence, or contravenes any such provision or condition, the Controller may, notwithstanding any other penalty which may be imposed under the Act or any other law, and subject to Regulation 56 below, cancel the licence.

56 The Controller may not cancel a licence unless -

- (1) the licensee has been informed in writing of the intention to cancel or suspend such licence -
  - (a) setting out the particulars of the alleged failure or contravention;  
and
  - (b) calling upon the licensee to make the representations to the Controller that may be necessary within 30 days after the date of that notice;

57 the Controller has considered-

- (1) any steps taken by the licensee to remedy the failure or contravention concerned or to prevent any such failure or contravention from being repeated;
- (2) any other relevant matters submitted by way of the representations contemplated in Regulation 56 (b) above.

58 A licence ceases to be valid if -

- (1) the licensee becomes subject to a disqualification set out in the Act or regulations; or
- (2) the licence is surrendered;
- (3) the licence is cancelled by the Controller; or
- (4) the licensee fails to comply with the conditions of the licence.

59 If a licence has ceased to be valid, the licensee must surrender the licence to the Controller within a period of 14 days, from the date of receipt of the notification on which it ceased to have effect.

***Controller to make decision within reasonable time***

- 60 A decision from the Controller as required by these regulations must be made within a reasonable period of time taking into account the nature of the decision required, provided that if a decision regarding an application for a licence is not made within a period of 90 days after the lodging of that application, the Controller must furnish, if so required in writing by the applicant, reasons in writing for the delay, provided that in the first 12 months of operation of this Regulation the said period is 300 days.
- 61 Any decision made by the Controller under these regulations must be conveyed in writing to the applicant, with reasons.

**Appeals**

- 62 The Minister must consider and make a finding in respect of an appeal lodged pursuant to section 12A of the Act within 90 days from the date of receipt thereof;

**False Declarations**

- 63 If it is proved to the satisfaction of the Controller that any person made a false declaration, the Controller may revoke or amend any decision or the award of any licence that was influenced by such false declaration.

**Additional Information**

- 64 The Controller may request the additional information from an applicant that may be necessary to enable the Controller to make a decision regarding the granting of a licence.

**Publication of data by the Controller**

65 The Controller must, commencing 12 months after the commencement of these regulations, as at the end of March, June, September and December each year, within 30 days of the end of those months, publish data on -

- (1) the number of valid retail licences;
- (2) the number of valid retail licences held by historically disadvantaged South Africans;
- (3) the number of retail licences issued in the calendar year concerned;
- (4) the number of lapsed retail licences in the calendar year concerned;
- (5) the number of valid site licences;
- (6) the number of valid site licences held by historically disadvantaged South Africans;
- (7) the number of site licences issued in the calendar year concerned;
- (8) the number of lapsed site licences in the calendar year concerned;
- (9) the licence numbers of all valid licences;
- (10) The Controller shall maintain, at its place of business and on its website, a register of all site and retail licensees, which must include the name, address, licence number of the licensees.

## **ANNEXURE A: APPLICATION FORMS**



## **ANNEXURE B: DOCUMENTS TO BE SUBMITTED WITH A SITE LICENCE APPLICATION**

1 An application for any site licence must be accompanied by –

- (a) a certified copy of the applicant's identity document and, in the case of a non-South African citizen, a permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be;
- (b) a certified copy of its registration documents, if the applicant is a corporate entity or a trust;
- (c) certified copies of -
  - i the land use zoning certificate issued by a competent authority, authorising retailing from the site;
  - ii the Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, 1989 permitting retailing operations on the site;
  - iii the title deed to the land on which the site is, or lease agreement or permission in the form of an affidavit or in the case of publicly owned land the written permission of the land owner;
  - iv permission by the National Roads Authority to develop the site, if the site allows or is intended to allow access by vehicles to a national road;
  - v a declaration by the applicant confirming compliance with all national provincial and local government legal requirements";
  - vi Tax clearance certificate of the year preceding the date of application.
- (d) a declaration by the applicant giving reasons why any certified copy required in terms of this Annexure is not provided.

(2) If an application for a site licence qualifies in terms of section 2D of the Act, the following must also be submitted –

- (a) A declaration by the applicant stating that retailing operations were being conducted on the site at the commencement of the Amendment Act; or
- (b) If the applicant is in the process of developing a site at the commencement of the Amendment Act, the applicant must submit a statement signed by the appropriate building inspector or other competent authority stating the date on which building plans for the site were approved by the appropriate authorities and that construction in accordance therewith has commenced.
- (c) Provide proof of payment of any monies paid for the purposes of rehabilitating a site upon the cessation of retailing activities.

**ANNEXURE C: LICENCE FEES**

Site licence application fee	R 1,000
Retail licence application fee	R 500
Annual retail licence fee	R 500
Temporary retail licence fee	R 500
Duplicate licence application fee	R500

Payment must be by direct deposit to the following account –

Account holder: Department of Minerals and Energy Petroleum Products  
Bank: ???????  
Account Number: ?????  
Branch Code: ?????

## **ANNEXURE D: DOCUMENTS TO BE SUBMITTED WITH A RETAIL LICENCE APPLICATION**

1. An application for a retail licence must be accompanied by -
  - (a) a certified copy of the applicant's identity document or, in the case of a non-South African citizen, a permanent residence permit or an employment permit and proof of residence in South Africa or proof of domicile in South Africa, as the case may be;
  - (b) in the case of an application made by a person claiming to be a historically disadvantaged South African, a declaration by that person to this effect;
  - (c) a certified copy of its registration documents;
  - (d) a declaration by the applicant stating that the applicant is not owned by a licenced wholesaler;
  - (e) a declaration by the applicant stating that the applicant "is in compliance with all national provincial and local government legal requirements".
2. An application for a new retail licence must be accompanied by an NPV calculation, the assumptions thereof and declaration by an auditor -
  - (a) in the case of non-natural person, on the extent of ownership of the business by historically disadvantaged South Africans as defined in the Charter.
  - (b) that a net present value (NPV) calculation has been performed in accordance with the following parameters -
    - (i) The period to be used in the calculation is 20 years;
    - (ii) A discount rate of the prime rate plus x, and maybe gazetted by the controller.
    - (iii) the retail margin as reflected in Table 1 below;
    - (iv) a repayment period of the longest loan, debt or other type of financing excluding equity is not more than 20 years;
    - (v) the rent specified by the landlord;
    - (vi) the franchise fee payments payable to the franchisor;
    - (vii) any payments due to the landowner in lieu of rehabilitation;
    - (viii) all other payments and guarantees payable to the franchisor;
    - (ix) estimated volumes of petrol and diesel to be sold;

- (x) once-off payments payable to any person such as those colloquially referred to as "key money" and "goodwill payments";
  - (xi) a fair share of total costs of the operations conducted on that site, being allocated to retailing prescribed petroleum products;
  - (xii) labour costs adjusted annually for inflation;
  - (xiii) all factors necessary to properly calculate the NPV have been included;
  - (xiv) the NPV calculation has been correctly calculated;
  - (xv) all other business assumptions used in the NPV calculation are fair and reasonable;
  - (xvi) all capital expenditures and incomes have been included in the NPV calculation.
- (c) that the real net present value contemplated in paragraph (b) is positive.
- (d) that the signatory on the application is duly authorized thereto.

3. The NPV calculation contemplated in Annexure D 2, the applicant must provide both hard copy and electronic copy of the NPV calculation.

**Table 1 - Parameters for calculation of net present value**

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Inflation rate forecast, % p.a.	5.1	5.7	5.2	5.1	6	6.3	5.1	4.5	4.5	4.5
Prescribed Petroleum Products sold per month, litres	280,000	285,000	290,000	295,000	300,000	305,000	310,000	315,000	320,000	325,000
Retail Margin, Rands per litre	0.398	0.41	0.42	0.43	0.44	0.45	0.45	0.45	0.46	0.47

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Inflation rate forecast, % p.a.	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Prescribed Petroleum Products sold per month, litres	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Retail Margin, Rands per litre	0.49	0.51	0.53	0.56	0.58	0.61	0.63	0.66	0.69	0.72





TITLE				
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[illegible][illegible][illegible]

Please indicate by cross ☒ type of entity or specify in "other"

☐ SOLE TRADER☐ BODY CORPORATE☐ OTHER[illegible][illegible][illegible]

			%
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ERF OR STAND OR LOT NUMBER AND TITLE OF PROPERTY AS IT APPEARS ON THE TITLE DEED OF THE PROPERTY.

[illegible][illegible][illegible][illegible][illegible][illegible]

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[illegible]

☐ EASTERN CAPE   ☐ FREE STATE   ☐ GAUTENG   ☐ KWAZULU-NATAL

☐ LIMPOPO   ☐ MPUMALANGA   ☐ NORTHERN CAPE   ☐ NORTH WEST

☐ WESTERN CAPE

**NOTE: Coordinates must be recorded from the centre of the property, or can be obtained from EIA report.**

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TRADE NAME/  
PROPOSED  
TRADE  
NAME[illegible][illegible][illegible]

☐ RETAILER OWNED, RETAILER OPERATED      ☐ 3<sup>rd</sup> PARTY OWNED, OIL COMPANY LEASED,  
RETAILER OPERATED

☐ OIL COMPANY OWNED, RETAILER OPERATED      ☐ OIL COMPANY TRAINING SITE

☐ OTHER

[illegible]

SITE LICENSE NO. IF ISSUED

**Note:** In case where a new retailer applying for a retail licence to replace existing retailer, in such a case please enter the site licence number.

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VOLUMES (LITRES) SOLD IN LAST CALENDAR YEAR, (For Retailing Operations that existed before \_\_)

## PETROL

[illegible]

**DIESEL**

[illegible]

## ILLUMINATING PARAFFIN

[illegible]

**DOCUMENTS TO BE ATTACHED IF THIS IS A SITE LICENCE APPLICATION**

- |   |
|---|
| 1. A certified copy of the applicant's identity document and, in the case of a non- South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be.  |
| 2. If the applicant is a corporate entity or a trust, a certified copy of registration documents.   |
| 3. A certified copy of the land use-zoning certificate issued by the competent authority.   |
| 4. A certified copy of the Record of Decision of the relevant environmental authorities in accordance with the Environment Conservation Act (Act No. 73 of 1989) permitting retailing operations, if applicable.  |
| 5. An original copy or a certified copy of the title deed to the property the applicant seeks to have licenced as a site or in the case of publicly owned property the written permission of the landowner.   |
| 6. If the proposed site allows direct access by vehicles to a national road, a certified copy of the permission given by the Relevant Roads Authority.  |
| 7. A certified copy of a declaration by the applicant stating that she/he/it is in compliance with all national provincial and local government legal requirements.   |
| 8. A declaration by the applicant stating that fuel retailing operations were being conducted on the site at before the 31 December 2005.   |
| 9. If the applicant is in the process of developing a site at the commencement of the Petroleum Products Amendment Act 58 of 2003, the applicant must submit a statement signed by the appropriate building inspector stating that building plans for the site in respect of which this application is made have been approved and that construction in accordance therewith has commenced. |
| 10. Provide proof of payment of any monies paid for the purposes of rehabilitating a site upon the cessation of retailing activities.   |
| 11. If necessary, a certified copy of a declaration by the applicant giving reasons why any certified copy required is not provided.  |

**DOCUMENTS TO BE ATTACHED IF THIS IS AN APPLICATION FOR A RETAIL LICENCE**

1. A certified copy of the applicant's identity document or, in the case of a non-South African citizen, a permanent residence permit or an employment permit and proof of residence in South Africa or proof of domicile in South Africa, as the case may be.
2. In the case of an application made by a historically disadvantaged South African, a declaration by that person to that effect. (Historically disadvantaged means a person who was discriminated against in law before 27 April 1994 on the basis of race, gender and/or disability).
3. A certified copy of its registration documents, if the applicant is a corporate entity or a trust.
4. A declaration by the applicant stating that a licensed wholesaler does not own the applicant.
5. A declaration by the applicant stating that the applicant is in compliance with all national provincial and local government legal requirements.
6. The NPV calculation the applicant must provide both hard copy and electronic copy of the NPV calculation.
7. Tax clearance certificate of the latest year preceding the date of application.
8. A declaration by an auditor – (a) Stating, in the case of non-natural person, the extent of ownership of the business by historically disadvantaged South Africans. (Historically disadvantaged means a person who was discriminated against in law before 27 April 1994 on the basis of race, gender and/or disability). (b) Stating that a nett present value calculation has been performed in accordance with the regulated parameters and that the resulting real nett present value is positive.
9. Stating that the signatory on this application is duly authorized thereto.

**DECLARATION**

I (full names).....hereby  
declare that all information provided herein is within my personal knowledge true and  
correct

Signed at.....(place) on this..... day of.....(month)  
..... (year)

.....  
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this application form and its annexures, that he has no objection to taking the prescribed oath and that he considers the oath binding on his conscience; and
- (b) has in the prescribed manner sworn that the contents of this application form and its annexures are true and signed same before me at ..... (place) on this .....day of .....(month).....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Capacity: \_\_\_\_\_



**NOTE:** If this application form is completed electronically it must be printed out, signed and submitted with the necessary supporting documents to the address below.

**Submit this form to:-**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Private Bag X59  
Pretoria  
0001**

**Or**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Mineralia Centre  
234 Visagie Street  
Pretoria  
0001**

**Enquires**

Contact: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8648

Fax No.: (012) 322 8570

E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)



**the dme**

Department:  
Minerals and Energy  
REPUBLIC OF SOUTH AFRICA

**RETAIL LICENCE ANNUAL INFORMATION SUBMISSION FORM**  
**PETROLEUM PRODUCTS ACT 120 OF 1977 - PETROLEUM PRODUCTS REGULATIONS 2005**

## INSTRUCTIONS

1. Read Regulation??? before completing this application form.
2. Use capital letters and where applicable mark with a ☒.

PLEASE COMPLETE

SITE LICENCE NUMBER

[illegible]

RETAIL LICENCE NUMBER

[illegible]

REGISTERED  
NAME  
IN FULL

[illegible]TRADE NAME  
IN FULL[illegible]

PLEASE ENTER DETAILS OF CONTACT MEMBER OF ENTITY

**TITLE**

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FAMILY NAME

[illegible]

FIRST NAME

[illegible]

IDENTITY NO.

[illegible]**SECTION 2: COMPLETE IF THERE IS A CHANGE IN LICENCEE'S PARTICULARS**

TRADE NAME  
IN FULL

[illegible]

POSTAL  
ADDRESS OF  
REGISTERED  
OFFICE

[illegible]

POSTAL CODE

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TEL NO.  
(BUSINESS)[illegible]

[illegible][illegible][illegible]

Figure 1. A schematic diagram of the experimental setup. The subject is seated in a chair, viewing a video screen. The screen displays a target (a small circle) and a starting point (a larger circle). The subject's hand is positioned at the starting point, and the video screen shows the hand's position relative to the target. The subject is instructed to move the hand to the target. The video screen is controlled by a computer, which records the hand's position and the time taken to reach the target.

[illegible]

1. *Phragmites* (common reed) stands in the coastal marshes of the Chesapeake Bay. The stands are dominated by *Phragmites australis* (Cav.) Trin. ex Steud. and are characterized by dense, tall, and narrow leaves. The stands are often found in the upper marshes, where they are subject to frequent flooding and high salinity. The stands are often used for wildlife habitat and are also a source of reeds for basketry and other crafts.

[illegible]

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- ☐ RETAILER OWNED, RETAILER OPERATED      ☐ 3<sup>rd</sup> PARTY OWNED, OIL COMPANY LEASED, RETAILER OPERATED  
☐ OIL COMPANY OWNED, RETAILER OPERATED      ☐ OIL COMPANY TRAINING SITE  
☐ OTHER

The diagram illustrates the relationship between the number of neurons ( $N$ ) and the number of synapses per neuron ( $S$ ). It shows two configurations: one with  $N=10$  and  $S=5$ , and another with  $N=5$  and  $S=10$ . Neurons are represented by large boxes, and synapses by smaller boxes within them. Arrows indicate the flow of information or connections between neurons and their respective synapses.

[illegible]

4. **P**

[illegible][illegible][illegible]

## PLEASE INDICATE NUMBER OF EMPLOYEES BY RACE, GENDER AND DISABILITY

BLACK EMPLOYEES: MALE 

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FEMALE 

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DISABLED 

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COLOURED EMPLOYEES: MALE 

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FEMALE 

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DISABLED 

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INDIAN EMPLOYEES: MALE 

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FEMALE 

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DISABLED 

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WHITE EMPLOYEES: MALE 

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FEMALE 

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DISABLED 

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TOTAL NUMBER OF EMPLOYEES 

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## SECTION 4: COMPLETE DETAILS ON TRAINING OF LICENCEE'S EMPLOYEES

NUMBER OF EMPLOYEES TRAINED 

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PLEASE INDICATE TITLE AND QUALIFICATIONS OBTAINED BY EMPLOYEES

**DOCUMENTS TO BE ATTACHED TO THIS SUBMISSION OF ANNUAL INFORMATION**

- |  |
|--|
| 1. A declaration by the licensee that the ownership of the licenced activity has not changed, accompanied by an auditors written opinion confirming the declaration to be true.  |
| 2. A declaration by the licensee stating that a licensed wholesaler does not own the retailing activity.   |
| 3. A declaration by the applicant stating that the applicant is in compliance with all national provincial and local government legal requirements.  |
| 4. A declaration by an auditor –<br>(a) Stating, in the case of the licensee being a non-natural person, the extent of ownership of the business by historically disadvantaged South Africans. (Historically disadvantaged means a person who was discriminated against in law before 27 April 1994 on the basis of race, gender and/or disability). A licensee who is a sole trader need not submit such a declaration. |
| 5. Stating that the signatory on this application is duly authorized thereto.  |

**DECLARATION**

I (full names).....hereby  
declare that all information provided herein is within my personal knowledge true and  
correct

Signed at.....(place) on this..... day of.....(month)  
..... (year)

.....  
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this  
application form and its annexures, that he has no objection to taking  
the prescribed oath and that he considers the oath binding on his  
conscience; and
- (b) has in the prescribed manner sworn that the contents of this  
application form and its annexures are true and signed same before  
me at ..... (place) on this .....day of  
.....(month).....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Capacity: \_\_\_\_\_

**NOTE:** If this Annual submission form is completed electronically it must be printed out, signed and submitted with the necessary supporting documents to the address below.

**Submit this form to:-**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Private Bag X59  
Pretoria  
0001**

**Or**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Mineralia Centre  
234 Visagie Street  
Pretoria  
0001**

**Enquires**

Contact: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8646

Fax No.: (012) 322 8570

E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)





**the dme**

**Department:**  
**Minerals and Energy**  
**REPUBLIC OF SOUTH AFRICA**

## APPLICATION FOR TEMPORARY LICENCE

**PETROLEUM PRODUCTS ACT 120 OF 1977 - PETROLEUM PRODUCTS REGULATIONS 2005**

## INSTRUCTIONS

1. Read Regulation??? before completing this application form.
2. Use capital letters and where applicable mark with a ☒.

PLEASE COMPLETE LICENCE NUMBER

RETAIL/SITE/WHOLESALE OR  
MANUFACTURING LICENCE NUMBER[illegible]

## SECTION 1: APPLICANTS DETAILS

FULL NAME OF TEMPORARY LICENCE APPLICANT IF NOT AN INDIVIDUAL (for example, company name or trust name etc.)

[illegible]

FULL NAME OF TEMPORARY LICENCE APPLICANT IF AN INDIVIDUAL

NOTE: In the event that a corporate entity or partnership, trust or body other than an individual makes the application, state here the personal particulars of the person authorised to make this application on behalf of such body.

**TITLE**

--	--	--	--

FAMILY NAME

[illegible]

FIRST NAME

[illegible]

IDENTITY NO.

[illegible]

PLEASE INDICATE REASONS WHY APPLICANT (ABOVE) IS THE APPROPRIATE PERSON TO BE ISSUED WITH A TEMPORARY LICENCE

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**SECTION 2: PLEASE COMPLETE REASONS FOR APPLICATION AND INCLUDE MOTIVATIONS FOR A TEMPORARY LICENCE**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**DOCUMENTS TO BE ATTACHED TO THIS APPLICATION FORM**

- |  |
|--|
| 1. A certified copy of the applicants identity document, if the applicant is an individual |
| 2. A certified copy of the entity's registration documents.                                |

**DECLARATION**

I (full names).....hereby  
declare that all information provided herein is within my personal knowledge true and  
correct

Signed at.....(place) on this..... day of.....(month)  
..... (year)

.....  
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this  
application form and its annexures, that he has no objection to taking  
the prescribed oath and that he considers the oath binding on his  
conscience; and
- (b) has in the prescribed manner sworn that the contents of this  
application form and its annexures are true and signed same before  
me at ..... (place) on this .....day of  
.....(month).....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Capacity: \_\_\_\_\_

**NOTE:** If this Temporary retail licence application is completed electronically it must be printed out, signed and submitted with the necessary supporting documents to the address below.

**Submit this form to:-**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Private Bag X59  
Pretoria  
0001**

**Or**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Mineralia Centre  
234 Visagie Street  
Pretoria  
0001**

**Enquires**

Contact: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8181

Fax No.: (012) 322 5224

E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)

No. R. 1127

18 November 2005

**PETROLEUM PRODUCTS ACT, 1977****REGULATIONS REGARDING PETROLEUM PRODUCTS MANUFACTURING LICENCES**

The Minister of Minerals and Energy has under sections 2B, 2D, 2E and 12C(1) of the Petroleum Products Act, 1977 made the regulations in the Schedule.

**SCHEDULE****ARRANGEMENT OF REGULATIONS**

Definitions.....	2
Scope of regulation .....	3
Application for a manufacturing licence.....	3
Conditions of a manufacturing licence .....	6
Transfer of manufacturing licence .....	8
Temporary manufacturing licences.....	8
Unsuccessful applications for a licence .....	8
Amendment of licence .....	8
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## Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context indicates otherwise -

**"accounting officer"** means an accounting officer as defined in the Close Corporations Act (Act No. 69 of 1984);

**"auditor"** means a person registered as an auditor in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991);

**"certified copy"** means a photocopy of an original document that has been-

(a) attested as a true copy of the original and is marked with the words "original seen" or "true copy of original document"; and

(b) signed and stamped by a attorney, a notary public, a police officer, a chartered accountant, or a certified accountant, and where the stamp includes the competent person's capacity, physical address and licence number, if applicable;

**"Charter"** means the Charter in Schedule 1 of the Act;

**"Controller"** means the Controller of Petroleum Products as contemplated in Section 3(1) of the Act;

**"declaration"** means an affidavit, affirmation or solemn or attested declaration made before a commissioner of oaths as contemplated in the Justices of the Peace and Commissioners Oath Act 1963, (Act No. 16 of 1963);

**"manufacturer"** means the manufacturer of prescribed petroleum products;

**"prescribed petroleum products"** refers to petroleum, diesel, illuminating paraffin, liquefied petroleum gas used for the propulsion of vehicles on public roads, jet fuel and aviation gasoline.

**"temporary licence"** means a licence issued in terms of Section 2B(5) of the Act;

**"the Act"** means the Petroleum Products Act 1977, (Act No. 120 of 1977), as amended;



## **Scope of regulation**

- 1 This Regulation applies to manufacturing licences;

## **Application for a manufacturing licence**

- 2 Application for licence in respect of manufacturing activities that qualifies in terms of section 2D of Act

- (1) Any person manufacturing prescribed petroleum products in terms of Section 2D of the Act, must –

- (a) apply to the Controller for a manufacturing licence by completing the application form contained in Annexure A; and

- (b) lodge that application with the Controller together with the documents specified in Annexure B;

- (2) A manufacturing licence contemplated in Sub regulation 2(1) above may not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this regulation;

- 3 Application for licence in respect of manufacturing activities that do not qualify in terms of section 2D of the Act, except in the case of applications contemplated in regulation 5 (3), shall be such that:-

- (1) Any person who does not qualify in terms of Section 2D of the Act must –

- (a) apply to the Controller for a manufacturing licence by completing the form contained in Annexure A; and

- (b) lodge that application with the Controller together with the documents specified in Annexure B.

- (2) A manufacturing licence contemplated in sub regulation (1) above may not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this Regulation.

4 Evaluation procedure for the Manufacturing licence contemplated in Regulation 3 above

- (1) In evaluating the manufacturing licence application, the Controller must be satisfied that –
  - (a) the application form has been completed in full;
  - (b) all the documents specified in Annexure B have been submitted with the application form; and
  - (c) the applicant is the owner of the property, or has the written permission of the owner of the property on which the manufacturing facility to be located;

5 Application procedures for manufacturing licences that may arise out of a need, identify by the State, for additional manufacturing capacity within the Republic of South Africa

- (1) In the event that a proven need has been identified, the following application procedure must be applied -
  - (a) an invitation to submit bids for a licence to manufacture petroleum products must be gazetted;
  - (b) the bids must be lodged with the Controller on or before the due date specify;
  - (c) the applicant must fully complete the application form;
  - (d) all the documents specified in Annexure B must be submitted with the application form;
  - (e) the applicant must be the owner of the property, or must have the written permission of the owner of the property on which the manufacturing facility is to be located;

6 Evaluation Procedures for the bids contemplated in Regulation 5 above

- (1) The bids contemplated in subregulation 5(1)(a) must be evaluated by a committee including representatives of the Departments of Minerals and Energy, Trade and Industry, Environmental Affairs & Tourism;

- (2) The bids must be evaluated in manner that promotes-
    - (a) the objectives set out in sections 2B and 2C of the Act;
    - (b) coastal refining and petrochemicals hub;
    - (c) government's broader economic development plans with respect to but not limited to location, size and effect on distribution network;
    - (d) New Economic Partnership for African Development and regional development objectives;
    - (e) security of supply;
  - (3) The Committee evaluating the bids must make a recommendation to the Controller
- 7 An applicant for a manufacturing licence who does not qualify in terms of section 2D of the Act, must provide proof of payment for any other monies due, by any other Act or regulations for the purposes of rehabilitating the site upon the cessation of licensed manufacturing activities, before the manufacturing licence is issued;
- 8 A person involved in a manufacturing activity that does not qualify in terms of section 2D of the Act, may only be issued with a manufacturing licence once the Controller is satisfied that the manufacturing activity will
- (1) bring benefits to the area in which it is to be located; and
  - (2) all the parties that will be affected by the manufacturing activity are given an opportunity to present their views;
  - (3) There is a 25% HDSA participation in the Manufacturing facility in accordance with the Charter or plans to achieve that by 2010.
- 9 If the Controller is satisfied that an application for a licence meets the requirements of the Act and this Regulation, the Controller must then issue the licence for which such application has been made;

10 A manufacturing licence must specify –

- (1) the name of the licensee;
- (2) the identity number or company registration number of the licensee;
- (3) the location of the manufacturing facility;
- (4) the licence number;
- (5) the total capacity of the manufacturing facility in barrels per day or equivalent thereof;
- (6) the date of issue of the licence; and
- (7) the Controller's signature;

**Conditions of a manufacturing licence**

11 It shall be a condition of a manufacturing licence that licensees must –

- (1) only manufacture petroleum products within the capacity they are licensed;
- (2) only sell prescribed petroleum products, in the Republic of South Africa to –
  - (a) licensed wholesalers; and
  - (b) licensed retailers;
- (3) if so instructed, submit to the Controller, information –
  - (a) necessary for the regulating of prescribed petroleum products, within the period specified in the instruction;
  - (b) on prescribed petroleum products sold during the month and petroleum products and crude oil stored at month end, by a date specified in the instruction;
  - (c) in respect of progress in complying with the objectives of the Charter in a manner prescribed;
- (4) comply with the Charter by 2010;
- (5) before 28 February of each year, submit to the Controller the following information in respect of the previous calendar year –
  - (a) volumes of each prescribed petroleum product supplied to licensed wholesalers and retailers;

- (b) volumes of each prescribed petroleum products manufactured during the year;
  - (c) volumes of each prescribed petroleum product-
    - (i) purchased from licenced wholesalers; and
    - (ii) imported and exported;
  - (d) stocks of each petroleum product on hand on the last day of each year;
  - (e) information in respect of progress in complying with the objectives of the Charter; and
  - (f) an auditor's opinion on whether or not the licensed manufacturer is a going concern
- in a manner prescribed;
- (6) comply with the provisions of the fuel specifications in accordance with regulations contemplated in Section 12C (1)(e) of the Act
  - (7) if so directed by the Controller, desist from supplying petroleum products to a licensed wholesaler or retailer, that is not in compliance with the Act or the conditions of its wholesaler or retail licence;
  - (8) inform the Controller, in writing, of any change of address or telephone number within 30 days of the relevant change taking effect;
  - (9) pay the annual licence fee determined in Annexure C before the anniversary of the date of issue of the licence;
  - (10) when selling prescribed petroleum products, declare to the buyer, in writing, which, if any, regulated specifications, the petroleum products concerned comply with;
  - (11) before installing new or additional capacity -
    - (a) apply by completing the application form in Annexure A and lodge it with the Controller;
    - (b) provide reasons and motivation for installing new or additional capacity;

### **Transfer of manufacturing licence**

- 12 A manufacturing licence may be transferred upon application to the Controller by completing the licence transfer form contained in Annexure D and stating the reasons for transfer therein;

### **Temporary manufacturing licences**

- 13 An application for a temporary manufacturing licence must –
- (1) only be made in respect of a manufacturing facility that has previously been a licensed manufacturing facility;
  - (2) be made to the Controller by completing the form contained in Annexure A;
  - (3) set out the reasons and a motivation for the application;
  - (4) state the reasons why the applicant is the appropriate person to be issued a temporary licence;
  - (5) be accompanied by a certified copy of the applicant's identity document if the applicant is an individual;
  - (6) be accompanied by a certified copy of its registration documents, if the applicant is a corporate entity, trust or body other than an individual;
- 14 The Controller may set special conditions for a temporary manufacturing licence according to the circumstances, including its period of validity, which shall not be longer than six months;
- 15 The Controller must notify the applicant for a temporary licence in writing of the outcome of their application within 30 days of receiving the application;

### **Unsuccessful applications for a licence**

- 16 If the Controller declines to issue a licence, the applicant must be informed of that decision in writing;

### **Amendment of licence**

- 17 A licensee may apply, in writing, to the Controller for a licence to be amended by-
- (1) specifying the amendment sought; and
  - (2) setting out the reasons for the amendment sought.

### **Application for duplicate licence**

18 In the event that a licence has been lost, damaged or destroyed the licensee must apply to the Controller for a duplicate thereof;

19 An application contemplated in Regulation 17 must be accompanied by –

- (1) a certified copy of the applicant's identity document if the applicant is an individual;
- (2) a certified copy of its registration documents, if the applicant is a corporate entity, trust or body other than an individual;
- (3) the license number of the licence that has been lost, damaged or destroyed; and
- (4) the duplicate licence application fee as specified in Annexure C;

### **Surrender, suspension and termination of licence**

20 A licensee may at any time, by written notice, surrender a licence to the Controller;

21 If a licensee fails to comply with any provision of the Act or these regulations, or any condition of a licence, or contravenes any such provision or condition, the Controller may, notwithstanding any other penalty which may be imposed under the Act or any other law, and subject to Regulation 22, terminate the licence;

22 The Controller may not terminate a licence unless –

- (1) the licensee has been informed in writing of the intention to terminate or suspend such licence by–
  - (a) setting out the particulars of such failure or contravention; and
  - (b) calling upon the licensee to make representations to the Controller that may be necessary, within 30 days after the date of that notice;



(2) the Controller has considered -

(a) any steps taken by the licensee to remedy the failure or contravention concerned or to prevent any such failure or contravention from being repeated; and

(b) any other relevant matters submitted by way of representations contemplated in subregulation (1)(a);

23 A licence ceases to be valid if -

(1) the licence is surrendered;

(2) the licence is terminated by the Controller; or

(3) the licensee fails to comply with the conditions of the licence and does not remedy that within the time period specified by the Controller.

24 If a licence has ceased to be valid, the licensee must surrender the licence to the Controller within a period of 14 days from the date of receipt of the notification to that effect.

**Controller to make decision within reasonable time**

25 A decision by the Controller as required by these regulations must be made within a reasonable period of time taking into account -

(1) the nature of the decision required;

(2) compliance, by the applicant, with regulations 2; 4 and 5 above

(3) provided that if a decision regarding an application for a licence is not made within a period of 90 days after the lodging of that application, the Controller must furnish, within 15 days, if so required in writing by the applicant, reasons for the delay, and thereafter shall take such decision within 60 days;

26 Any decision made by the Controller under these regulations must be conveyed in writing, accompanied by reasons thereof, to the applicant;

### **Appeals**

- 27 The Minister must consider and make a finding in respect of an appeal lodged pursuant to section 12A of the Act within 90 days from the date of receipt thereof;

### **False Declarations**

- 28 If it is proved to the satisfaction of the Controller that any person made a false declaration, the Controller may revoke or amend any decision or the award of any licence that was influenced by such false declaration.

### **Licence Fees**

- 29 A licensee must pay the annual licence fee specified in Annexure C before the anniversary date of the licence;
- 30 Payment of an annual manufacturing licence fee must be accompanied by the licence number of the manufacturing licence concerned;

### **Additional Information**

- 31 The Controller may request additional information, from an applicant, that may be necessary to enable the Controller to make a decision regarding the granting of a licence provided that such information is limited to information in substantiation of or in substitution for any –
- (1) declaration made by an applicant;
  - (2) information required by the Controller and not provided by the applicant; and
  - (3) reasons provided to the Controller pursuant to Regulation 22;
- 32 In such circumstances, Regulation 25 will only start to apply once the Controller has received the information contemplated in Regulation 31;

### **Publication of data by the Controller**

33 The Controller must, in March of each year, publish data on the number of –

- (1) valid manufacturing licences;
- (2) valid manufacturing licences held by historically disadvantaged South Africans;
- (3) new manufacturing licences issued;
- (4) suspended, terminated or surrendered manufacturing licences;

in the preceding calendar year;

34 The Controller shall maintain, at its place of business and on its website, a register of all licensed manufacturers, which must include the name, address, licence number of the manufacturer and the petroleum products the licensee is licensed to manufacture.

**ANNEXURE A**

**APPLICATION FORM**

**ANNEXURE B****DOCUMENTS TO BE SUBMITTED WITH AN APPLICATION FOR A MANUFACTURING LICENCE**

An application for a manufacturing licence must be accompanied by –

- (a) a certified copy of the title deed of the property on which the manufacturing facility is located or is proposed to be located and if applicable, the written permission of the owner of the property on which the manufacturing facility is located or is proposed to be located;
- (b) a certified copy of the applicant's identity document and, in the case of a non-South African citizen, a permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be;
- (c) a certified copy of its registration documents, if the applicant is a corporate entity or a trust;
- (d) a certified copy of the Certificate of Incorporation (CM1) if the applicant is a company;
- (e) a certified copy of the Certificate of Incorporation (CK1) if the applicant is a close corporation;
- (f) proof of payment for any other monies due, by any other Act or regulations for the purposes of rehabilitating the site upon the cessation of licensed manufacturing activities;
- (g) a declaration by the applicant giving reasons why any certified copy required in this Annexure is not provided.
- (h) a declaration by the applicant that it is in compliance with the Charter or a statement of its plans to meet the requirements of the Charter.
- (i) certified copies of -
  - (i) the land use zoning certificate issued by a competent authority, authorising the manufacturing activity on the site;
  - (ii) the Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, 1989 permitting manufacturing operations on the site or a copy of a similar approval by an environmental authority or competent authority

(iii) Tax clearance certificate of the latest year preceding the date of application.

- (j) a declaration by the applicant that it is in compliance with all national, provincial and local government legal requirements that are in force at the time the application is made.
- (k) declarations by two independent technical experts appointed by the applicant, that have been approved, in advance, by the Controller stating the production capability of the manufacturing facility, or if not yet constructed, will have, to manufacture each type of petroleum product;

**ANNEXURE C****APPLICATION AND LICENCE FEES**

Manufacturing licence application fee in respect of a manufacturing facility that qualifies in terms of section 2D of the Act	R 1,000
Manufacturing licence application fee in respect of a manufacturing facility that does not qualify in terms of section 2D of the Act in respect of prescribed petroleum products manufactured from any hydrocarbon including petroleum, crude oil, natural gas, natural gas liquids, or coal or any combination thereof	R10 000
Annual manufacturing licence fee in respect of petroleum products manufactured from any hydrocarbon including petroleum, crude oil, natural gas, natural gas liquids, or coal or any combination thereof	R5 000
Annual manufacturing licence fee in respect of petroleum	R 500

products manufactured from other raw materials	
Duplicate licence application fee	R500

Payment must be by direct deposit to the following account –

Account holder: Department of Minerals and Energy Petroleum Products

Bank: ???????

Account Number: ?????

Branch Code: ????



**Annexure D**

- (a) be accompanied by a certified copy of the transferee's identity document if the transferee is an individual;
- (b) be accompanied by a certified copy of the transferee's registration documents, if the transferee is a corporate entity, trust or body other than an individual.



**the dme**

Department:  
Minerals and Energy  
REPUBLIC OF SOUTH AFRICA

## APPLICATION MANUFACTURING LICENSE

**PETROLEUM PRODUCTS ACT 120 OF 1977 AS AMENDED - PETROLEUM PRODUCTS REGULATIONS 2005**

## INSTRUCTIONS

1. Read Regulation??? before completing this application form.
2. Use capital letters and where applicable mark with a ☒.

**OFFICIAL USE ONLY**

MANUFACTURING LICENCE NUMBER

[illegible]

## SECTION 1: APPLICANT'S DETAILS

REGISTERED  
NAME  
IN FULL

[illegible]TRADING  
NAME  
IN FULL[illegible]

POSTAL  
ADDRESS OF  
REGISTERED  
OFFICE

[illegible]

POSTAL CODE

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PHYSICAL  
ADDRESS OF  
REGISTERED  
OFFICE

POSTAL CODE

--	--	--	--

TEL NO.  
(BUSINESS)[illegible]MOBILE PHONE  
NUMBER[illegible]

FAX NO.

[illegible]

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[illegible][illegible][illegible]☐ OTHER[illegible][illegible][illegible]

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[illegible][illegible]

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**DOCUMENTS TO BE ATTACHED WITH THIS APPLICATION FOR MANUFACTURING LICENCE**

1. A certified copy of the applicant's identity document and, in the case of a non- South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be
2. If the applicant is a corporate entity or a trust, a certified copy of registration documents.
3. A certified copy of the land use-zoning certificate issued by the competent authority.
4. A certified copy of the Record of Decision of the relevant environmental authorities in accordance with the Environment Conservation Act (Act No. 73 of 1989) permitting retailing operations, if applicable.
5. A certified copy of the title deed to the property the applicant seeks to have licenced as a site or in the case of publicly owned property the written permission of the landowner.
6. If the proposed Manufacturing Facility allows direct access by vehicles to a national road, a certified copy of the permission given by the Relevant Roads Authority.
7. A certified copy of a declaration by the applicant stating that he/she/it is in compliance with all national provincial and local government legal requirements.
8. Declaration by the applicant that it is in compliance with the charter or detailed plans on how they will meet the requirements of the charter by 2010.
9. Provide proof of payment of any monies paid for the purposes of rehabilitating a site upon the cessation of manufacturing activities.
10. If necessary, a certified copy of a declaration by the applicant giving reasons why any certified copy required is not provided.
11. Tax clearance certificate of the latest year preceding the date of application.

**DECLARATION**

I (full names).....hereby  
declare that all information provided herein is within my personal knowledge true and  
correct

Signed at.....(place) on this..... day of.....(month)  
..... (year)

.....  
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this  
application form and its annexures, that he has no objection to taking  
the prescribed oath and that he considers the oath binding on his  
conscience; and
- (b) has in the prescribed manner sworn that the contents of this  
application form and its annexures are true and signed same before  
me at ..... (place) on this .....day of  
.....(month).....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Capacity: \_\_\_\_\_

**NOTE:** If this application form is completed electronically it must be printed out, signed and submitted with the necessary supporting documents to the address below.

**Submit this form to:-**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Private Bag X59  
Pretoria  
0001**

**Or**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Mineralia Centre  
234 Visagie Street  
Pretoria  
0001**

**Enquires**

Contact: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8648

Fax No.: (012) 322 8570

E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)

No. R. 1128

18 November 2005

**PETROLEUM PRODUCTS ACT, 1977****REGULATIONS REGARDING PETROLEUM PRODUCTS WHOLESALE LICENCES**

The Minister of Minerals and Energy has under sections 2B, 2D, 2E and 12C(1)(a) of the Petroleum Products Act, 1977 made the regulations in the Schedule.

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## Definitions

In these regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context otherwise indicates -

**“the Act”** means the Petroleum Products Act, 1977, (Act No. 120 of 1977), as amended;

**“the Amendment Act”** means the Petroleum Products Amendment Act, 2003 (Act No. 58 of 2003) and the Petroleum Products Amendment Act, 2005 (Act No. 2 of 2005);

**“auditor”** means a person registered as an auditor in terms of the Public Accountants’ and Auditors’ Act, 1991 (Act No. 80 of 1991);

**“bulk”** means 200 litres or more, per transaction of prescribed petroleum products;

**“certified copy”** means a photocopy of an original document that has been-

- (a) attested as a true copy of the original and is marked with the words “original seen” or “true copy of original document”; and
- (b) signed and stamped by an attorney, a notary public, a police officer, a chartered accountant, or a certified accountant, and where the stamp includes the competent person’s capacity, physical address and licence number, if applicable;

**“Controller”** means the Controller of Petroleum Products as contemplated in Section 3(1) of the Act;

**“declaration”** means an affidavit, affirmation or solemn or attested declaration made before a commissioner of oaths as contemplated in

the Justices of the Peace and Commissioners Oath Act 1963, (Act No. 16 of 1963);

**“prescribed petroleum products”** in this Regulation refers to, petrol, diesel, paraffin, liquefied petroleum gas used for the propulsion of vehicles on public roads, jet fuel or aviation gasoline;

**“selling”** means an act by which a seller binds himself to the buyer to allow the other to have the full use of a petroleum product as owner for a definite price which the purchaser on his part promises to pay to the seller;

**“temporary licence”** means a licence issued in terms of section 2B(5) of the Act;

**“training”** means learnerships as contemplated in Section 16 of the Skills Development Act 1998 (No. 97 of 1998) and **“trained”** must be interpreted accordingly;

**Scope of regulation**

- 1 This Regulation applies to wholesale licences;

**Application for a wholesale licence**

- 2 Any person wholesaling petroleum products must –
  - a) apply to the Controller for a wholesale licence by completing the application form contained in Annexure A; and
  - b) lodge that application with the Controller together with the documents specified in Annexure B;
- 3 In the case of paraffin, any person purchasing or selling paraffin in quantities of less than 30,000 litres does not require a licence contemplated in regulation 2;
- 4 A wholesale licence contemplated in regulation 2 above may not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this regulation;

**Wholesale licence evaluation procedure**

- 5 In evaluating the wholesale licence application, the Controller must be satisfied that –
  - a) the applicant is the owner of the business;
  - b) the application form has been completed in full;
  - c) all the documents specified in Annexure B have been submitted with the application form;
  - d) the documents submitted with the application form are true and correct documents;
  - e) the applicant is in compliance with the Charter or has satisfactory plans to meet the requirements of the Charter, taking into account the size of the business concerned; and
  - f) the applicant has paid the application fee determined in Annexure C;

- 6 An applicant, for a wholesale licence, who qualifies in terms of section 2D of the Act, must provide proof of payment of all levies due in terms of the Central Energy Fund Act, 1977 (Act No. 38 of 1977);
- 7 An applicant, for a wholesale licence, who does not qualify in terms of section 2D of the Act, must provide proof of payment of any monies due, in terms of any Act or regulations for the purposes of rehabilitating land used in connection wholesaling activities upon the cessation of such with wholesaling activities, prior to the wholesale licence being issued;
- 8 A wholesale licence for a wholesaling activity that does not qualify in terms of section 2D of the Act, may only be issued after the Controller has been satisfied that the wholesaling activity for which the licence is applied is economically viable;
- 9 In determining economic viability, the Controller must ensure that the net present value (NPV) of the business is positive and audited to this effect;
- 10 In the event that the ownership and control of the applicant's *business* by HDSAs is less than 25%, then the applicant is required to submit plans indicating how at least 25% ownership and control by HDSAs will be reached by 2010.
- 11 The ownership and control figures referred to in regulation 10 will be published by the Controller in terms of regulation 43.
- 12 The Controller must, if satisfied that an application for a licence meets the requirements of the Act and this Regulation, issue the licence for which such application was made;
- 13 A wholesale licence must specify –
  - (a) the name of the licensee;
  - (b) the identity number or company registration number of the licensee;
  - (c) the business address; and,

(d) the date of issue of the licence

(e) licence number

### **Conditions of a wholesale licence**

14 It must be a condition of a wholesale licence that a licensed wholesaler –

(2) only purchases prescribed petroleum products in bulk from other licensed wholesalers or licensed manufacturers, except in the case of importation of petroleum products;

(3) selling prescribed petroleum products in the Republic of South Africa must only sell in bulk to –

a) a licensed manufacturer;

b) a licensed wholesaler;

c) a licensed retailer; or

d) an end consumer for own consumption;

(4) in the case of the subregulation (3)d), must ensure that the end consumer does not sell the prescribed petroleum product;

(5) must comply with the Charter by 2010;

(6) may not hold a retail licence except for training purposes;

(7) must, on or before February of each year submit to the Controller the following information in respect of the preceding calendar year-

a) volumes of prescribed petroleum products supplied to licensed manufacturers, licensed wholesalers, licensed retailers and end-consumers;

b) total volumes of prescribed petroleum products purchased and the source of such petroleum products;

c) information in respect of progress in complying with the objectives of the Charter;

- d) the number of employees by race, gender and disabled persons
  - e) a report on the training and the number and title of the qualifications obtained by learners in the employ of the licensee;
  - f) a declaration that the licenced retail business is not owned by a wholesaler;
  - g) a declaration by an auditor on the extent of ownership, expressed as a percentage, of the business, owned by historically disadvantaged South Africans as defined in the Charter, provided that a licensee that is a sole trader need not submit such a declaration
- (8) must, if so instructed, submit to the Controller on a date and in the manner specified in the instruction –
- a) information necessary for the regulation of prices of prescribed petroleum products;
  - b) data on prescribed petroleum products purchased or sold during a specified period and closing stock levels of the prescribed petroleum products;
  - c) in respect of progress in complying with the objectives of the Charter;
- 15 A wholesale licence remains valid for so long as the licensed activity remains a going concern subject to regulation 14.
- 16 The controller may direct a licensed wholesaler to refrain from supplying prescribed petroleum products to a licensed retailer that, in the Controller's opinion, is not in compliance with the Act or is not in compliance with the conditions of its retail licence. ;
- 17 A licenced wholesaler must inform the Controller of any change of address or telephone number within 30 days of the relevant change taking effect;

- 18 Before a wholesale licensee sells a prescribed petroleum product that has specifications regulated in terms of the Act, it must declare to the buyer, in writing, which, if any, regulated specification, the petroleum product concerned conforms to.
- 19 A licensee must pay the annual licence fee specified in Annexure C before the anniversary date of the licence;
- 20 Payment of an annual wholesale licence fee must be accompanied by the licence number of the wholesale licence concerned;
- 21 In the event that the ownership and control of the applicant's *business* by HDSAs is less than 25%, then the applicant is required to submit plans indicating how at least 25% ownership and control by HDSAs will be reached by 2010.

***Transfer of wholesale licence***

- 22 An application for the transfer of a wholesale licence must be submitted to the Controller by completing the licence transfer form contained in Annexure [D] and stating the reasons for the transfer therein.
- 23 The application form must be –
  - c) accompanied by a certified copy of the transferee's identity document if the transferee is an individual;
  - d) accompanied by a certified copy of the transferee's registration documents, if the transferee is a corporate entity, trust or body other than an individual.
- 24 The provisions of regulations 4, 8, 15 and 16 of these Regulations shall apply *mutatis mutandis* to any such application.



## GENERAL PROVISIONS

### ***Unsuccessful applications for a licence***

- 25 If the Controller declines to issue a licence, the applicant must be informed of that decision in writing with reasons.

### ***Information to be submitted to the Controller by the licensee***

- 26 A wholesale licensee must declare to the Controller that the ownership of the licenced activity has not changed.
- 27 The declaration contemplated in Regulation 26 above must be –
- (a) in writing;
  - (b) made before or on the anniversary date of the licence date of issue;
  - (c) accompanied by an auditor's written opinion confirming that the declaration is correct;
  - (d) A wholesale licensee must submit to the Controller not later than the end of February of each year, information referred to in sub-regulation 14(7).

- 28 Form included in Annexure D

### ***Training***

- 29 (1) A licenced wholesaler may, for training purposes, be issued a number of retail licences that meet the provisions of these regulations, as follows:
- (a) One retail licence for the first 100 sites supplied with prescribed petroleum products by that wholesaler; and
  - (b) one retail licence for every additional 200 sites supplied with prescribed petroleum products by that wholesaler; but no more than nine retail licences
  - (c) one retail licence for every additional 200 sites supplied with prescribed petroleum products by that wholesaler;

but no more than nine retail licences.

- (2) An applicant for a retail licence contemplated in sub-regulation (1) must submit with the application a declaration stating that the licensed retailing activity will be used for training purposes.
- (3) A licensed wholesaler contemplated in sub-regulation (1) must, before the end of February each year submit to the Controller a declaration on the training carried out and the number and title of the qualifications obtained by learners during the preceding calendar year, at each site for which it possesses a retail licence.

#### ***Application for duplicate licence***

- 30 (1) When a wholesale licence has been lost, damaged or destroyed the licensee must apply to the Controller for a duplicate thereof.
- (2) An application contemplated in sub-regulation (1) must be – accompanied by :
  - (a) a certified copy of the applicant's identity document if the applicant is an individual;
  - (b) a certified copy of its registration documents, if the applicant is a corporate entity, trust or body other than an individual;
  - (c) an affidavit attesting to the facts relating to the loss, damage or destruction of the said licence.
  - (d) the fee determined in Annexure C.

#### ***Amendments to a licensee***

- 31 An application for amendments to a licensee related to changes of ownership or control must be dealt with as if it is a transfer within 30 days of the change being effected.

32 In the case of change in licensee's particulars, a change in details form as indicated in annexure A, must be completed and lodged to the controller within 30 days of the change being effected.

***Surrender, suspension and cancellation of licence***

33 A licensee may at any time, by written notice, surrender a licence to the Controller;

34 In the event that a licensee fails to comply with any provision of the Act or these regulations, or any condition of a licence, or contravenes any such provision or condition, the Controller may, notwithstanding any other penalty which may be imposed under the Act or any other law, and subject to Regulation 36, terminate the licence;

35 The Controller may not terminate a licence unless –

(1) the licensee has been informed in writing of the intention to terminate or suspend such licence by–

- a) setting out the particulars of such failure or contravention; and
- b) calling upon the licensee to make any representations to the Controller that may be necessary, within 30 days after the date of such notice;

(2) the Controller has considered –

- a) any steps taken by the licensee to remedy the failure or contravention concerned or to prevent any such failure or contravention from being repeated; and
- b) any other relevant matters submitted by way of representations contemplated in sub-regulation (1)b;

36 A licence ceases to be valid if –

- (a) the licence is surrendered;
- (b) the wholesaling activity is no longer a going concern;

(c) the licence is terminated by the Controller; or

(d) the licensee fails to comply with the conditions of the licence;

37 If a licence has ceased to be valid, the licensee must surrender the licence to the Controller within a period of 14 days from the date of receipt of the notification to that effect;

***Controller to make decision within reasonable time***

38 A decision from the Controller as required by this Regulation must be made within a reasonable period of time taking into account the nature of the decision required, provided that if a decision regarding an application for a licence is not made within a period of 90 days after the lodging of that application, the Controller must furnish, within 15 days, if so required in writing by the applicant, reasons in writing for the delay, and thereafter shall take such decision within a period of 60 days, provided that in the first 12 months of operation of this Regulation the said period is 300 days.

39 Any decision made by the Controller under this Regulation must be conveyed in writing to the appropriate person.

***Appeals***

40 The Minister must consider and make a finding in respect of an appeal lodged pursuant to section 12A of the Act within 90 days from date of receipt thereof.

***False declarations***

41 If it is proved to the satisfaction of the Controller that any person made a material false declaration, the Controller may revoke or amend any decision or the award of any licence that was influenced by such false declaration.

***Additional information***

42 The Controller may request additional information from an applicant that may be necessary to enable the Controller to make a decision regarding the granting of a licence provided that such information is limited to information in substantiation of or in substitution for -

- (a) any declaration made by an applicant;
- (b) any information required from an application and not provided by the applicant; and
- (c) any reasons provided to the Controller pursuant to sub-Regulation 5

***Publication of data by Controller***

43 (1) The Controller must in March of each year publish data from the preceding calendar year on -

- (a) the number of valid wholesale licences;
- (b) the number of valid wholesale licences held by historically disadvantaged-South Africans;
- (c) the number of wholesale licences issued;
- (d) the number of lapsed wholesale licences;

(2) The Controller shall maintain at its place of business and if possible on its website, a register of all licensed wholesalers, which shall include the following details; the name, address and licence number of each wholesaler licence.

(3) The above-mentioned register shall be available for inspection by members of the public.

***Unlicensed wholesaling***

44 (1) A written notice issued by the Controller pursuant to section 2A(2)(a) of the Act must -

- a) be delivered by hand or sent by facsimile or by registered post to the person concerned;
- b) state the alleged contravention;
- c) draw attention to section 12 of the Act;

(2) Pursuant to section 2A(2)(b) of the Act –

- a) the Controller may determine whether or not the cessation of an unlicensed wholesaling activity is likely to lead to a material interruption in the supply of petroleum products;
- b) if the Controller allows an unlicensed wholesaler contemplated in sub regulation (2)(a) to continue its activity, the Controller must do so in writing and stipulate that an application for a licence must be lodged within a period specified.

(3) A notice issued by the Controller pursuant to section 2A(2)(c) of the Act must –

- a) be delivered by hand or sent by facsimile or by registered post to the person concerned;
- b) specify any state of affairs that arose from the unlicensed wholesaling that must be rectified;
- c) draw attention to section 12 of the Act;

**Contravention of conditions of wholesale licence**

45 Pursuant to section 2A(3) of the Act the Controller -

- b) may determine whether or not a wholesaler is in contravention of its licence conditions;
  - c) must direct the licensee to comply by notice in writing;
  - d) must direct the licensee to rectify any state of affairs resulting from that person's activities;
- (1) must direct the licensee concerned to submit proof of rectification, of the contravention, if applicable;

- (2) must specify the periods within which the state of affairs must be rectified and proof thereof submitted;
- (3) any person who contravenes a provision of the Act, shall be guilty of an offence and be liable on conviction to a fine not exceeding R1 000 000, or to imprisonment, subject to sub-regulation (2) above.
- (4) If the Controller is not satisfied that a licensee in contravention of its licence conditions has complied with the Controller's notice as contemplated in section 2(A)2(a) of the Act or that the state of affairs has not been rectified, the Controller may decide to -
  - a) Institute legal proceedings; or
  - b) Revoke the licence; or
  - c) Both

46 In the event that the Controller decides to revoke a wholesale licence the licensee concerned must first be offered the opportunity to submit representations to the Controller in regard thereto; within 30 days after the date of that notice;

- (1) After the period in which representations can be made has expired the Controller must -
  - a) consider the representations received if any;
  - b) determine whether or not to institute legal proceedings.

#### **Transitional licensing**

47 A wholesaler that qualifies in terms of section 2D of the Act shall not be required to obtain the permission from the Controller contemplated in section 2A (2)(b) of the Act.

## **ANNEXURE A**

### **APPLICATION FORM (Refer to New Application form)**





MOBILE PHONE  
NUMBER[illegible]

FAX NO.

[illegible]

E-MAIL ADDRESS

[illegible]**SECTION 3: INFORMATION TO BE COMPLETED IN RESPECT OF ANNUAL INFORMATION SUBMISSION****VOLUMES (LITRES) PURCHASED IN LAST CALENDAR YEAR**

**PETROL**

[illegible]

**DIESEL**

[illegible]

## ILLUMINATING PARAFFIN

[illegible]LIQUIFIED  
PETROLEUM  
GAS[illegible]

**JET FUEL**

[illegible]

AVIATION  
GASOLINE

[illegible]

## VOLUMES (LITRES) SOLD IN LAST CALENDAR YEAR

## PETROL

[illegible]

**DIESEL**

[illegible]

## ILLUMINATING PARAFFIN

[illegible]

LIQUIFIED  
PETROLEUM  
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JET FUEL

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AVIATION  
GASOLINE

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PLEASE INDICATE NUMBER OF EMPLOYEES BY RACE, GENDER AND DISABILITY

BLACK EMPLOYEES:

MALE

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FEMALE

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DISABLED

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COLOURED EMPLOYEES:

MALE

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FEMALE

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DISABLED

--	--	--	--

INDIAN EMPLOYEES:

MALE

--	--	--	--

FEMALE

--	--	--	--

DISABLED

--	--	--	--

WHITE EMPLOYEES:

MALE

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FEMALE

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DISABLED

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TOTAL NUMBER OF EMPLOYEES

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PLEASE INDICATE OWNERSHIP BY HISTORICALLY DISADVANTAGED SOUTH AFRICANS (HDSA's) IN  
PERCENTAGE

				%
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**DOCUMENTS TO BE ATTACHED TO THIS SUBMISSION OF WHOLESALE ANNUAL INFORMATION**

1. A declaration by the licensee that the ownership of the licenced activity has not changed, accompanied by an auditors written opinion confirming the declaration to be true.

2. A declaration by the licensee stating that a licensed wholesaler does not own the retailing activity.

3. A declaration by the applicant stating that the applicant is in compliance with all national provincial and local government legal requirements.

4. A declaration by an auditor –

(a) ~~Stating, in the case of the licensee being a non-natural person, the extent of ownership of the business by historically disadvantaged South Africans. (Historically disadvantaged means a person who was discriminated against in law before 27 April 1994 on the basis of race, gender and/or disability).~~ A licensee who is a sole trader need not submit such a declaration.

5. ~~Stating that the signatory on this application is duly authorized thereto.~~

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**DECLARATION**

I (full names).....hereby  
declare that all information provided herein is within my personal knowledge true and  
correct

Signed at.....(place) on this..... day of.....(month)  
.....(year)

.....  
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this  
application form and its annexures, that he has no objection to taking  
the prescribed oath and that he considers the oath binding on his  
conscience; and
- (b) has in the prescribed manner sworn that the contents of this  
application form and its annexures are true and signed same before  
me at ..... (place) on this .....day of  
.....(month).....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Capacity: \_\_\_\_\_

**NOTE:** If this Annual submission form is completed electronically it must be printed out, signed and submitted with the necessary supporting documents to the address below.

Submit this form to:-

Controller of Petroleum Products  
Department of Minerals and Energy  
Private Bag X59  
Pretoria  
0001

Or

Controller of Petroleum Products  
Department of Minerals and Energy  
Mineralia Centre  
234 Visagie Street  
Pretoria  
0001

**Enquiries**  
Contact Director Petroleum and Gas Regulation  
Contact No.: (012) 317 8646  
Fax No.: (012) 322 8570  
E-Mail: petroleum.controller@dme.gov.za

**ANNEXURE B****DOCUMENTS TO BE SUBMITTED WITH A WHOLESALE LICENCE APPLICATION**

An application for a wholesale licence must be accompanied by –

- (a) a certified copy of the applicant's identity document and, in the case of a non-South African citizen, a permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be;
- (b) a certified copy of its registration documents, if the applicant is a corporate entity or a trust;
- (c) a certified copy of the Certificate of Incorporation (CM1) if the applicant is a company;
- (d) a Certificate of Incorporation (CK1) if the applicant is a close corporation;
- (e) declaration by the applicant that it is in compliance with the Charter or a statement of its plans to meet the requirements of the Charter.
- (f) **\*\*A** declaration by the applicant that it is in compliance with all national, provincial and local government legal requirements that are in force at the time the application is made. (SEE ACT SECTION 2D (4) (a) AND TIES TO "FALSE DECLARATIONS".
- (g) a list of all retail outlets and others which it at the time of the application intends to supply with fuel;
- (h) a list of the ports of entry or exit from where it intends to import or export, as the case may be, fuel into or from;
- (i) a list of all storage facilities intended to be used, including shared storage facilities, with specific reference to -
- (j) the location of the storage facilities;
- (k) the capacity of the storage facilities;
- (l) the ownership of the storage facilities (including the ownership of the land on which the storage facilities are situated, if

different) and, in the case of shared ownership, the basis of sharing;

(m) the names of other wholesalers sharing the same storage facilities;

(n) the information required under sub-regulation (2)(e) shall be provided in respect of the different petroleum products which are to be stored.



**ANNEXURE C****APPLICATION AND LICENCE FEES**

Wholesale licence application fee	R 1,000
Annual wholesale licence fee	R 500
Duplicate licence application fee	R500
Temporary licence application fee	R500

Payment must be by direct deposit to the following account –

Account holder: Department of Minerals and Energy Petroleum  
Products

Bank: ???????

Account Number: ??????

Branch Code: ?????



PLEASE ENTER DETAILS OF CONTACT MEMBER OF ENTITY (IN CASE OF INDIVIDUAL, ENTER APPLICANTS DETAILS)

TITLE				
-------	--	--	--	--

[illegible][illegible]

**IDENTITY NO.**

## SECTION 2: APPLICANT'S BUSINESS DETAILS

Please indicate by cross ☒ type of entity or specify in "other"

☐ LIMITED LIABILITY COMPANY      ☐ CLOSED CORPORATION      ☐ SOLE TRADER

☐ INDIVIDUAL                      ☐ PARTNERSHIP                      ☐ BODY CORPORATE

☐ TRUST ☐ OTHER[illegible][illegible][illegible]

PLEASE INDICATE OWNERSHIP BY HISTORICALLY DISADVANTAGED SOUTH AFRICANS (HDSA's) IN PERCENTAGE

			%
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**PHYSICAL ADDRESS** (where wholesaling operations are/will be based)

[illegible][illegible][illegible]

TOWN/CITY

POSTAL CODE 

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[illegible]

☐ EASTERN CAPE   ☐ FREE STATE   ☐ GAUTENG   ☐ KWAZULU-NATAL

☐ LIMPOPO   ☐ MPUMALANGA   ☐ NORTHERN CAPE   ☐ NORTH WEST

☐ WESTERN CAPE

**SECTION 3: VOLUMES SOLD BY APPLICANT**  
**VOLUMES (LITRES) SOLD IN LAST CALENDAR YEAR, (For wholesaling operations that existed before 31 December 2005)**

**PETROL**

[illegible]

**DIESEL**

[illegible]ILLUMINATING  
PARAFFIN[illegible]

AVIATION JET

[illegible]LIQUIFIED  
PETROLEUM  
GAS[illegible]

**JET FUEL**

[illegible]

**DOCUMENTS TO BE ATTACHED**

1. A certified copy of the applicant's identity document and, in the case of a non - South African citizen, permanent residence permit or employment permit and proof of residence in South Africa, or proof of domicile in South Africa, as the case may be
2. If the applicant is a corporate entity or a trust, a certified copy of registration documents
3. A certified copy of a declaration by the applicant stating that she/he/it is in compliance with all national provincial and local government legal requirements.
4. In the case of an application made by a historically disadvantaged South African, a declaration by that person to that effect. (Historically disadvantaged means a person who was discriminated against on the basis of race, gender and/or disability.)
5. A certified copy of a declaration by the applicant giving reasons why any certified copy required is not provided.

**DECLARATION**

I (full names).....hereby  
declare that all information provided herein is within my personal knowledge true and  
correct

Signed at.....(place) on this..... day of.....(month)  
..... (year)

.....  
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this  
application form and its annexures, that he has no objection to taking  
the prescribed oath and that he considers the oath binding on his  
conscience; and
- (b) has in the prescribed manner sworn that the contents of this  
application form and its annexures are true and signed same before  
me at ..... (place) on this .....day of  
.....(month).....(year).

\_\_\_\_\_  
**COMMISSIONER OF OATHS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Capacity: \_\_\_\_\_

**NOTE:** If this application form is completed electronically it must be printed out, signed and submitted with the necessary supporting documents to the address below.

**Submit this form to:-**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Private Bag X59  
Pretoria  
0001**

**Or**

**Controller of Petroleum Products  
Department of Minerals and Energy  
Mineralia Centre  
234 Visagie Street  
Pretoria  
0001**

**Enquires**

Contact: Director Petroleum and Gas Regulation  
Contact No.: (012) 317 8648  
Fax No.: (012) 322 8570  
E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)

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Pretoria Campus  
PO Box 397  
0001 PRETORIA

## **Physical address**

C/o Andries and Vermeulen Streets  
Entrance in Andries Street

## **Contact details**

Tel: (012) 321-8931

Fax: (012) 325-5984

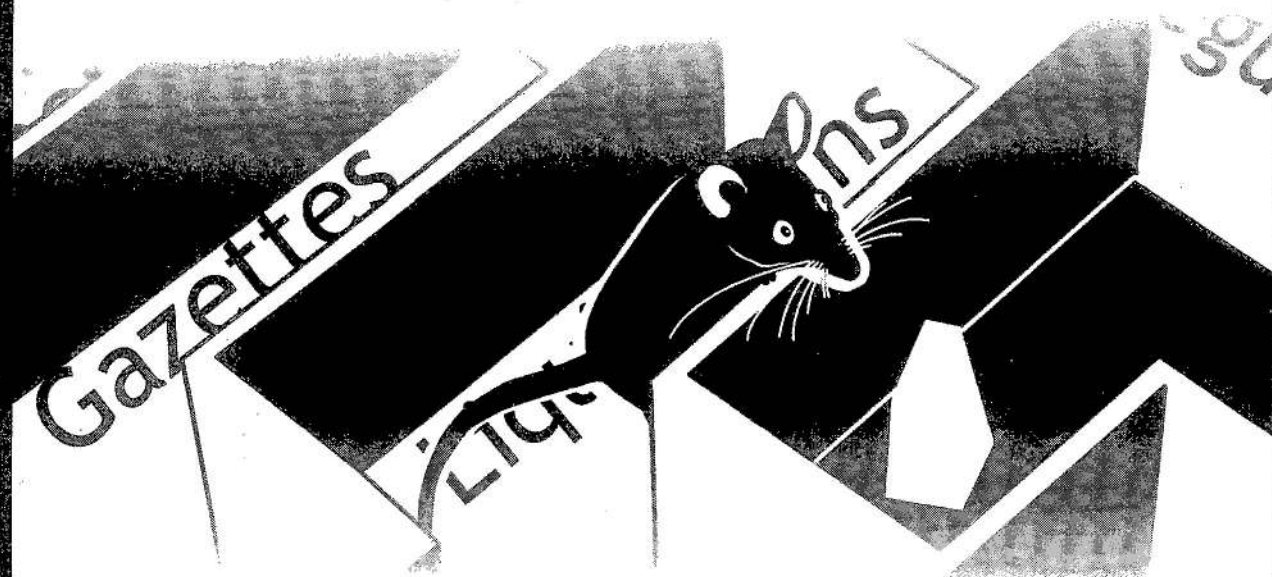
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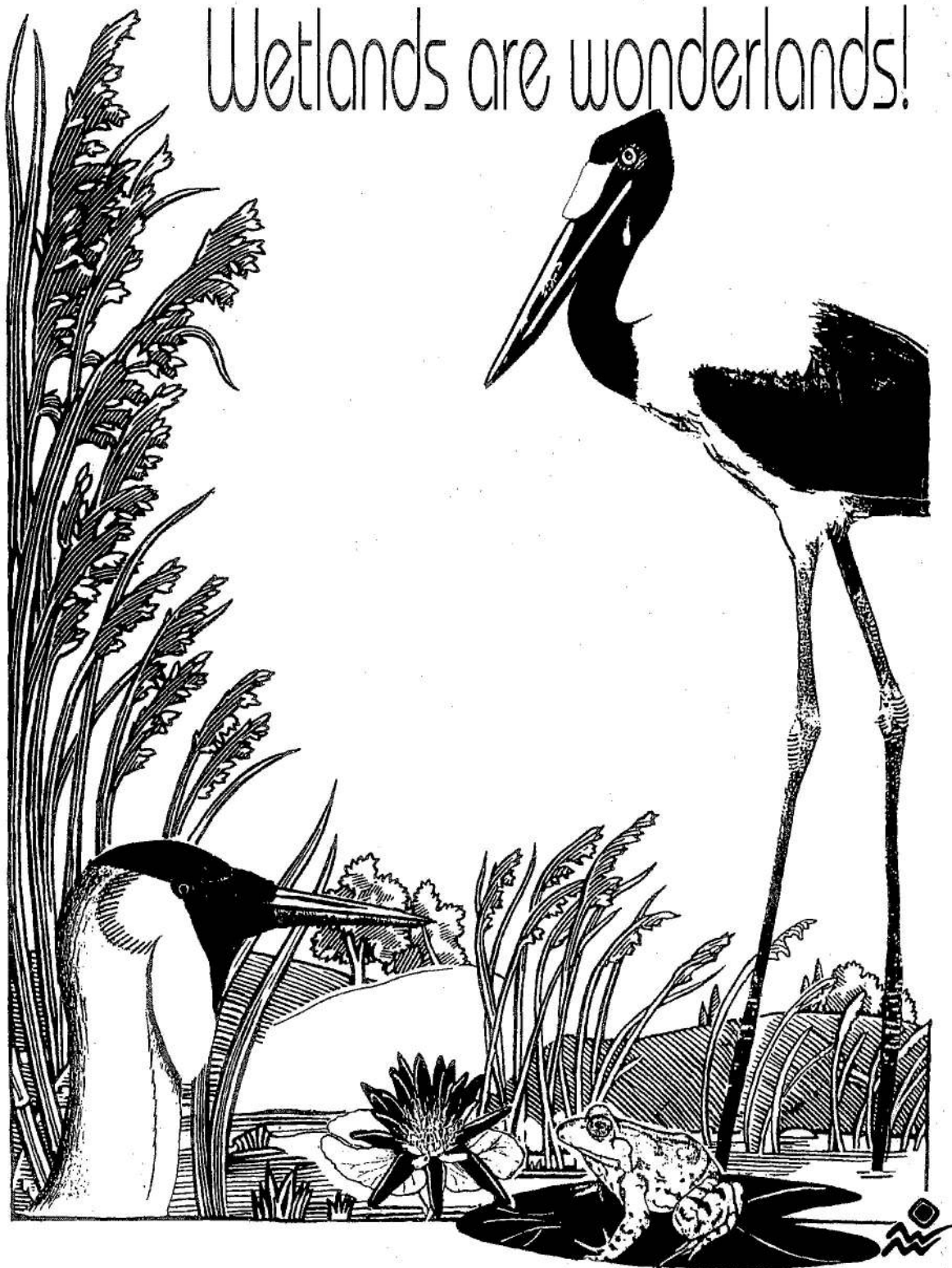
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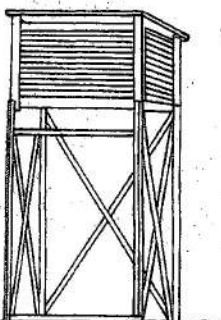
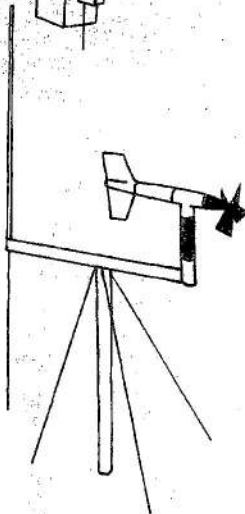


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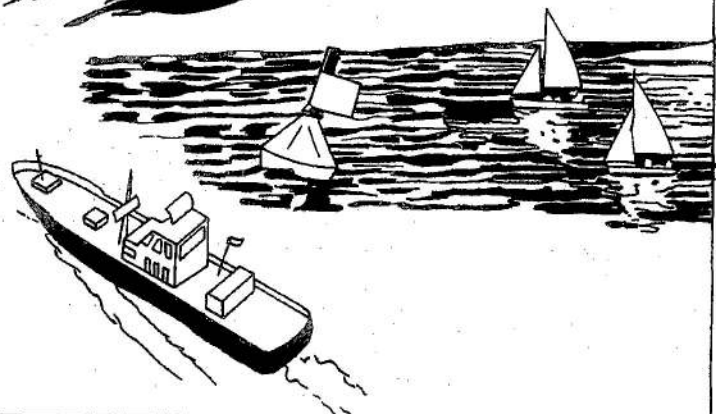
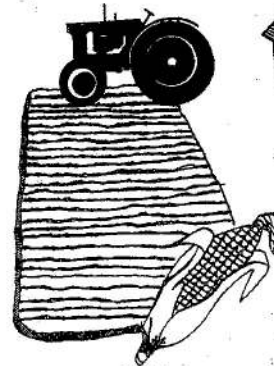
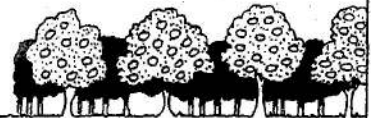
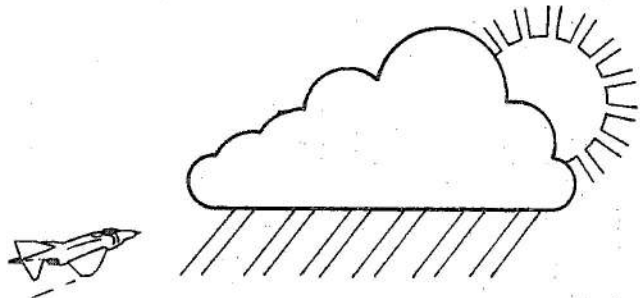


Department of Environmental Affairs and Tourism

# SA WEATHER BUREAU SA WEERBURO



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# THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM  
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME





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