



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1362.

29 Julie 1977.

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

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

No. 1362.

29 July 1977.

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

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

Act No. 120, 1977

PETROLEUM PRODUCTS ACT, 1977.

ACT

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

(English text signed by the State President.)

(Assented to 11 July 1977.)

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

Definitions.

1. In this Act, unless the context otherwise indicates—

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

Powers of Minister and others with regard to petroleum products.

2. (1) The Minister, the Secretary for Commerce or the Controller of Petroleum Products may by regulation or by notice in writing served on any person, whether personally or by post, and any person authorized thereto by the Minister or the said Secretary or Controller may by such notice so served—

- (a) for the purposes of ensuring a saving of petroleum products, regulate in such manner as he may deem fit, or prohibit—
 - (i) the use of any petroleum product for any purpose specified in the regulation or notice, as the case may be, or for the performance of any act so specified in a manner so specified;

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Om voorsiening te maak vir maatreëls vir besparing op petroleumprodukte en die verspreidingskoste daarvan; vir die handhawing van 'n prys vir petroleumprodukte; vir die verskaffing van dienste van 'n bepaalde soort, of dienste van 'n bepaalde gehalte, in verband met motorvoertuie; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, Woordomskrywing beteken—

- (i) „diens” die herstel en onderhoud van motorvoertuie, en ook enige ander diens wat by 'n verspreidingspunt in verband met 'n motorvoertuig gelewer word; (vi)
- (ii) „hierdie Wet” ook 'n regulasie of kennisgewing ingevolge hierdie Wet uitgevaardig of gegee; (vii)
- (iii) „inspekteur” iemand wat ingevolge artikel 3 aangestel of gemagtig is om as 'n inspekteur op te tree; (i)
- (iv) „Minister” die Minister van Ekonomiese Sake; (ii)
- (v) „petroleumproduk” enige petroleumbrandstof en enige smeermiddel, hetsy gebruik of ongebruik, en ook enige ander stof wat vir 'n doel gebruik kan word waarvoor petroleumbrandstof of 'n smeermiddel aangewend kan word; (iv)
- (vi) „Republiek” ook die gebied Suidwes-Afrika; (v)
- (vii) „Tesourie” die Minister van Finansies of 'n beampte in die Departement van Finansies wat, uit hoofde van die indeling van die werk in daardie Departement, met die aangeleenthede wat in hierdie Wet aan die Tesourie opgedra is, handel; (viii)
- (viii) „verspreidingspunt”, met betrekking tot 'n petroleumproduk, enige plek waar 'n petroleumproduk aan verbruikers verkoop of te koop aangebied word. (iii)

2. (1) Die Minister, die Sekretaris van Handel of die Kontroleur van Petroleumprodukte kan by regulasie of by skriftelike kennisgewing beteken aan iemand, hetsy persoonlik of deur die pos, en iemand deur die Minister of bedoelde Sekretaris of Kontroleur daartoe gemagtig, kan by sodanige kennisgewing aldus beteken—

- (a) ten einde 'n besparing van petroleumprodukte te verseker—
 - (i) die gebruik van 'n petroleumproduk vir 'n doel vermeld in die regulasie of kennisgewing, na gelang van die geval, of vir die verrigting van 'n handeling aldus vermeld op 'n wyse aldus vermeld;

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

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

Appointment
and powers
of controllers
and inspectors.

3. (1) The Minister may—

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

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

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

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

- (4) (a) Until such time as a notice is issued under section 334 (1) of the Criminal Procedure Act, 1977, in respect of an inspector under this Act, the Minister may in respect of an offence under this Act, by regulation confer upon an inspector such powers as he may deem necessary, expedient or useful in respect of—
 - (i) the searching without warrant of any premises, including any vehicle, vessel or aircraft and any receptacle of whatever nature;

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- (ii) die koop, verkoop, verskaffing, verkryging, besit, opberging of vervoer of die herwinning en heraffinerings van 'n petroleumproduk aldus vermeld, reël op die wyse wat hy goedvind, of verbied;
 - (b) ten einde 'n besparing in die verspreidingskoste van petroleumprodukte of die verskaffing van 'n diens van 'n bepaalde soort of van dienste van 'n bepaalde gehalte te verseker—
 - (i) die voorsiening aan iemand van enige toerusting wat bedoel is vir die verskaffing van 'n petroleumproduk;
 - (ii) die oprigting of skepping van 'n verspreidingspunt vir die verkoop van 'n petroleumproduk;
 - (iii) die verplasing van een plek na 'n ander van 'n besigheid of onderneming wat by 'n verspreidingspunt gedryf word;
 - (iv) die verandering van verskaffers van petroleumprodukte aan 'n besigheid of onderneming wat by 'n verspreidingspunt gedryf word;
 - (v) die verskaffing van 'n diens;
 - (vi) die verskaffing van petroleumprodukte aan 'n besigheid of onderneming wat by 'n verspreidingspunt gedryf word waar 'n diens van 'n bepaalde soort of 'n diens van 'n bepaalde gehalte nie aan die publiek beskikbaar is nie, reël op die wyse wat hy goedvind, of verbied;
 - (c) die prys voorskryf waarteen enige petroleumproduk deur iemand verkoop mag word.
- (2) Verskillende regulasies of kennisgewings kan ingevolge subartikel (1) uitgevaardig of gegee word ten opsigte van verskillende kategorieë of soorte petroleumprodukte of dienste of verskillende persone of kategorieë of groepe persone.
3. (1) Die Minister kan—
- (a) behoudens die wette wat die staatsdiens reël, iemand in die staatsdiens as Kontroleur van Petroleumprodukte aanstel en persone in die staatsdiens as streekkontroleurs van petroleumprodukte of as inspekteurs vir die Republiek of enige deel daarvan aanstel;
 - (b) op die voorwaardes en teen die vergoeding wat hy in oorleg met die Tesourie bepaal, enige ander persoon of persoon wat aan 'n ander kategorie persone behoort, aanstel of magtig om as streekkontroleur van petroleumprodukte of as inspekteur vir die Republiek of enige deel daarvan op te tree.
- (2) Behoudens die bepalings van hierdie Wet kan die Kontroleur van Petroleumprodukte, 'n streekkontroleur van petroleumprodukte en 'n inspekteur—
- (a) die Minister behulpsaam wees met die uitoefening van sy bevoegdhede en die verrigting van sy werksaamhede kragtens hierdie Wet;
 - (b) die inligting inwin wat die Minister in verband met die werking of toepassing van hierdie Wet verlang, en enige misdryf betreffende hierdie Wet ondersoek.
- (3) Behoudens die bepalings van hierdie Wet bepaal die Minister die bevoegdhede, pligte en werksaamhede van die Kontroleur van Petroleumprodukte, 'n streekkontroleur van petroleumprodukte en 'n inspekteur, en verskillende bevoegdhede, pligte en werksaamhede kan aldus bepaal word ten opsigte van verskillende persone of kategorieë persone wat ingevolge subartikel (1) aangestel of gemagtig is.
- (4) (a) Tot tyd en wyl 'n kennisgewing kragtens artikel 334 (1) van die Strafproseswet, 1977, uitgereik word ten opsigte van 'n inspekteur ingevolge hierdie Wet, kan die Minister ten opsigte van 'n oortreding ingevolge hierdie Wet, by regulasie die bevoegdhede aan 'n inspekteur verleen wat hy nodig, dienstig of nuttig ag ten opsigte van—
- (i) die visentering sonder lasbrief van enige perseel, met inbegrip van 'n voertuig, vaartuig of vliegtuig en 'n houder van watter aard ook al;

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

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

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

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

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

Secrecy.

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

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

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

Exemptions.

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

Delegation of powers.

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

Liability of employer or principal.

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

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

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

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

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

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

Application of certain regulations to persons in service of State.

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

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- (ii) die beslaglegging sonder lasbrief op enige petroleumprodukt en die beskikking daarvoor.
- (b) Verskillende bevoegdhede kan ingevolge paragraaf (a), of ingevolge genoemde artikel 334 (1), ten opsigte van verskillende inspekteurs of kategorieë inspekteurs verleen word.
- (c) 'n Kennisgewing ingevolge genoemde artikel 334 (1) uitgereik, het die uitwerking dat 'n regulasie herroep word wat ingevolge paragraaf (a) uitgevaardig is.
- (5) 'n Inspekteur, wanneer hy kragtens hierdie artikel of 'n kennisgewing ingevolge artikel 334 (1) van die Strafproseswet, 1977, 'n bevoegdheid uitoefen of 'n werksaamheid verrig, is onderworpe aan die lasgewings en beheer van die Minister en geen bevoegdheid aan sodanige inspekteur verleen, word deur hom uitgeoefen nie tensy hy ten tyde van die uitoefening van sodanige bevoegdheid in besit is van 'n sertifikaat van aanstelling deur die Minister ingevolge subartikel (1) (a) of (b) uitgereik, watter sertifikaat op aanvraag getoon moet word.
- (6) 'n Dokument in die vorm deur die Minister bepaal en wat sertifiseer dat iemand aangestel of gemagtig is om as Kontroleur van Petroleumprodukte of as streekkontroleur van petroleumprodukte of as inspekteur ingevolge hierdie Wet op te tree en wat voorgee onderteken te wees deur iemand wat vir dié doel deur die Minister aangewys is, is *prima facie*-bewys van so 'n aanstelling of magtiging.

4. Niemand mag enige inligting ten opsigte van 'n saak openbaar, wat hy by die verrigting van sy pligte of werksaamhede ingevolge hierdie Wet bekom het nie, behalwe—

- (a) vir die doeleindes van die verrigting van sy pligte of werksaamhede ingevolge hierdie Wet; of
- (b) wanneer hy by bevel van 'n hof of ingevolge 'n wet aangesê is om dit te doen.

5. Die Minister kan by regulasie of by skriftelike kennisgewing aan enige persoon of kategorie of groep persone en op die voorwaardes wat hy goedgevind, bedoelde persoon of kategorie of groep persone van enige bepaling van hierdie Wet vrystel.

6. Die Minister kan op die voorwaardes wat hy goedgevind, iemand magtig om namens hom enige van die bevoegdhede uit te oefen wat kragtens hierdie Wet aan hom verleen word.

7. (1) 'n Handeling of versuim van 'n werknemer, bestuurder of agent, wat 'n misdryf ingevolge hierdie Wet uitmaak, word geag die handeling of versuim van sy werkgever of prinsipaal te wees, en daardie werkgever of prinsipaal kan ten opsigte daarvan skuldig bevind en gevonnissen word tensy hy bewys—

- (a) dat hy bedoelde handeling of versuim nie veroorloof of oogluikend toegelaat het nie;
- (b) dat hy alle redelike maatreëls getref het om 'n handeling of versuim van die betrokke aard te voorkom; en
- (c) dat 'n handeling of versuim, hetsy wettig of onwettig, van die betrokke aard onder geen voorwaarde of omstandighede in die loop van die diens of binne die bestek van die bevoegdheid van die betrokke werknemer, bestuurder of agent geval het nie.

(2) By die toepassing van subartikel (1) (b) word die feit dat 'n werkgever of prinsipaal 'n handeling of versuim van die betrokke aard verbied het, nie op sigself as voldoende bewys beskou dat hy alle redelike maatreëls getref het om so 'n handeling of versuim te voorkom nie.

(3) Die bepalings van subartikel (1) onthef nie die betrokke werknemer, bestuurder of agent van aanspreeklikheid om ten opsigte van die betrokke handeling of versuim skuldig bevind en gevonnissen te word nie.

8. (1) Die Minister kan by kennisgewing in die *Staatskoerant* verklaar dat 'n regulasie kragtens artikel 2 (1) (a) uitgevaardig, ook van toepassing is met betrekking tot iemand of 'n kategorie

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Vrystellings.
Oordrag van bevoegdhede.
Aanspreeklikheid van werkgever of prinsipaal.
Toepassing van sekere regulasies op persone in diens van Staat.

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

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

Evidence.

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

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

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

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

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

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

(4) If in any prosecution for a contravention of a prohibition imposed under section 2 (1) (a) relating to the use of any petroleum product specified in the charge, it is proved that the accused performed an act which would have constituted the contravention if such petroleum product had been used for the performance of that act, it shall be presumed, unless the contrary is proved, that the accused used such petroleum product for the performance of that act.

Construction of reference in certain laws to certain amounts.

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

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

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

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

Disposal of certain moneys.

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

(a) from time to time direct that any moneys recovered by way of fines or estreated bail in connection with an offence or category of offences under this Act and specified in the direction, shall be paid to any local

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persone in diens van die Staat tydens die verrigting van sy of hulle pligte.

(2) 'n Kennisgewing ingevolge subartikel (1) kan vrystelling van die bepalings daarvan verleen of voorsiening maak vir die verlening van sodanige vrystelling.

9. (1) 'n Sertifikaat wat voorgee uitgereik te wees deur die Minister of iemand deur die Minister daartoe gemagtig en wat die prys vermeld waarteen dit vir 'n bepaalde persoon toelaatbaar sou gewees het om 'n in die sertifikaat vermelde petroleumprodukt op 'n bepaalde datum of gedurende 'n bepaalde tydperk te verkoop, is by blote voorlegging daarvan deur enigiemand by strafregtelike verrigtinge *prima facie*-bewys van sodanige prys.

(2) 'n Verklaring of inskrywing vervat in 'n boek of dokument gehou deur enigiemand of sy bestuurder, agent of werknemer, is teen so iemand by strafregtelike verrigtinge ingevolge hierdie Wet toelaatbaar as 'n erkenning van die feite in so 'n verklaring of inskrywing vermeld, tensy bewys word dat die verklaring of inskrywing nie deur so iemand of sy bestuurder, agent of werknemer gemaak is nie.

(3) Indien dit in 'n aanklag by strafregtelike verrigtinge ingevolge hierdie Wet beweer word—

(a) dat 'n petroleumprodukt wat na bewering verkoop of gekoop, of verskaf of verkry, is, 'n petroleumprodukt van 'n bepaalde kategorie of soort is; of

(b) dat 'n petroleumprodukt of diens 'n petroleumprodukt of diens van 'n soort is waarop 'n bepaling van hierdie Wet van toepassing is,

word so 'n bewering geag voldoende bewys uit te maak van die aangeleentheid wat beweer word totdat die teendeel bewys is.

(4) Indien by 'n vervolging weens 'n oortreding van 'n verbod krachtens artikel 2 (1) (a) opgelê met betrekking tot die gebruik van 'n petroleumprodukt in die aanklag vermeld, bewys word dat die beskuldigde 'n handeling verrig het wat die oortreding sou uitmaak indien bedoelde petroleumprodukt vir die verrigting van daardie handeling gebruik was, word dit vermoed, tensy die teendeel bewys word, dat die beskuldigde bedoelde petroleumprodukt vir die verrigting van daardie handeling gebruik het.

10. (1) By die toepassing van artikels 258, 259, 309*bis* en 351 van die Strafproseswet, 1955 (Wet No. 56 van 1955), en van artikels 233, 234, 290 en 337 van die Strafprosesordonnansie, 1963 (Ordonnansie No. 34 van 1963), van Suidwes-Afrika, ten opsigte van 'n misdryf ingevolge hierdie Wet, word 'n verwysing in enige sodanige artikel na 'n bedrag van honderd rand uitgelê as 'n verwysing na 'n bedrag van vyfhonderd rand.

Uitleg van verwysing in sekere wette na sekere bedrae.

(2) By die toepassing in die Oostelike Caprivi Zipfel van artikels 244, 245 en 323 van die Kriminele Prosêdure en Bewyslewering Proklamasie, 1935 (Proklamasie No. 30 van 1935), van Suidwes-Afrika, ten opsigte van 'n misdryf ingevolge hierdie Wet, word 'n verwysing in enige sodanige artikel na 'n bedrag van vyftien pond uitgelê as 'n verwysing na 'n bedrag van vyfhonderd rand.

(3) By die toepassing van artikel 96 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944) op 'n vonnis in 'n strafsak ten opsigte van 'n misdryf ingevolge hierdie Wet, word die verwysing in daardie artikel na 'n bedrag van tweehonderd-en-vyftig rand uitgelê as 'n verwysing na 'n bedrag van vyfhonderd rand.

(4) Na die herroeping deur die Strafproseswet, 1977, van 'n artikel in subartikel (1), (2) of (3) bedoel, word 'n verwysing in artikel 56, 57 of 112 van genoemde Strafproseswet, 1977, na 'n bedrag van honderd rand, of in artikel 302 van daardie Wet na 'n bedrag van tweehonderd-en-vyftig rand, uitgelê as 'n verwysing na 'n bedrag van vyfhonderd rand.

11. Die Minister kan in oorleg met die Minister van Finansies—

Beskikking oor sekere gelde.

(a) van tyd tot tyd gelas dat enige gelde wat by wyse van boetes of verbeurde borggeld ingevorder is in verband met 'n misdryf of kategorie misdrywe ingevolge hierdie

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

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

Offences and penalties.

12. (1) Any person who contravenes or fails to comply with any provision of this Act, or who hinders an inspector in the exercise of his powers or the performance of his duties under this Act, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

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

- (a) suspend or cancel the driver's licence, or the licence, permit or authorization to use a motor vehicle for a particular purpose, of any person who committed the offence in question by using, or by means or with the aid of, a motor vehicle;
- (b) suspend or cancel the trading licence, permit or authorization of the person convicted, which is required in respect of the sale of any petroleum product, if the offence in question relates to the sale of any petroleum product;
- (c) confiscate any property of the person convicted, which was used to commit the offence in question or by means or with the aid of which the offence in question was committed.

Application of this Act in South West Africa.

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

Short title and commencement.

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

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

WET OP PETROLEUMPRODUKTE, 1977.

Wet No. 120, 1977

Wet en in die lasgewing vermeld, betaal moet word aan 'n plaaslike bestuur kragtens artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel, 'n provinsiale administrasie (met inbegrip van die Administrasie van Suidwes-Afrika) of 'n regering van 'n gebied wat ingevolge 'n wet 'n selfregerende gebied binne die Republiek is, en wat aangewys word, of bepaal word ooreenkomstig die vereistes, omstandighede of besonderhede vermeld, in die lasgewing;

- (b) 'n lasgewing wat ingevolge paragraaf (a) uitgereik is, wysig of intrek.

12. (1) Iemand wat 'n bepaling van hierdie Wet oortree of wat versuim om so 'n bepaling na te kom, of wat 'n inspekteur by die uitoefening van sy bevoegdhede of die uitvoering van sy pligte kragtens hierdie Wet hinder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sodanige boete sowel as sodanige gevangenisstraf.

Misdrywe en strawwe.

(2) Behalwe in die geval van 'n misdryf kragtens artikel 4 of 7, kan die hof, benewens enige straf kragtens subartikel (1), op die voorwaardes wat hy na goeddunke ople—

- (a) die bestuurderslisensie, of die lisensie, permit of magtiging om 'n motorvoertuig vir 'n bepaalde doel te gebruik, opskort of intrek van iemand wat die betrokke misdryf deur middel of met behulp van 'n motorvoertuig, of deur 'n motorvoertuig te gebruik, gepleeg het;
- (b) die handelslisensie, permit of magtiging van die veroordeelde persoon, wat nodig is vir die verkoop van 'n petroleumproduk, opskort of intrek, indien die betrokke misdryf betrekking het op die verkoop van 'n petroleumproduk;
- (c) enige eiendom van die veroordeelde persoon wat gebruik is om die betrokke misdryf te pleeg of deur middel of met behulp waarvan die betrokke misdryf gepleeg is, verbeurd verklaar.

13. Hierdie Wet en enige wysiging daarvan is ook van toepassing in die gebied Suidwes-Afrika, met inbegrip van die Oostelike Caprivi Zipfel.

Toepassing van hierdie Wet in Suidwes-Afrika.

14. (1) Hierdie Wet heet die Wet op Petroleumprodukte, 1977, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.

