

ZIMBABWEAN

GOVERNMENT GAZETTE

EXTRAORDINARY

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General Notice 542A of 2020.

General Notice 542B of 2020.

POSTAL AND TELECOMMUNICATIONS REGULATORY
AUTHORITY OF ZIMBABWE (POTRAZ)

POSTAL AND TELECOMMUNICATIONS REGULATORY
AUTHORITY OF ZIMBABWE (POTRAZ)

Invitation to Competitive Bidding

Invitation of Expression of Interest

THE Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) is inviting suitably qualified, registered, eligible and reputable companies to participate in the following tenders:

Tender number

POTRAZ/DOM/07/2020. Supply and delivery of toner cartridges.
Closing date and time: 14th April, 2020, at 1000 hours.

POTRAZ/DOM/08/2020. Supply and delivery of promotional materials.

Lot 1: Banners, desk stands and miniature flags

Lot 2: Bags, golf shirts and note books.

Closing date and time: 14th April, 2020, at 1000 hours.

POTRAZ/INT/01/2020 (International Tender). Supply and delivery of ICT hardware.

Lot 1: Laptops

Lot 2: Printers

Lot 3: Desktops

Lot 4: Servers.

Closing date and time: 12th May, 2020, at 1000 hours.

Bidding documents are available during weekdays from 0800 to 1600 hours, upon payment of a non-refundable fee of ZWL\$200,00, per document from the following offices:

Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ),
1008, Performance Close,
Mt Pleasant Business Park,
Harare.

For any enquiries regarding the advertised tenders, you can contact the Procurement Management Unit on: 0242-333032 or through email on pmu@potraz.gov.zw

Payments can be done via cash, bank deposit, swipe or Ecocash.

NB.: Documents will be available beginning Monday, 16th March, 2020.

Tender number

POTRAZ/EOL/01/2020. Provision of legal consultancy services.

The Postal and Telecommunications Regulatory Authority of Zimbabwe (POTRAZ) is a statutory body established in terms of section 3 of the Postal and Telecommunications Act [Chapter 12:05], to regulate the Postal and Telecommunications Industry in Zimbabwe.

The POTRAZ invites expressions of interest from eligible legal services/firms to be placed on its panel of External Counsel under a framework agreement for a period of two years, during which period the POTRAZ may appoint them to provide the required legal services as and when needed, mainly in the fields of Intellectual Property, Conveyancing, Litigation, Legislation Drafting, Debt Collection, Labour and Corporate Governance.

Consultants/Firms will be selected in accordance with the procedures specified in Part VIII of the Public Procurement and Disposal of Public Assets Act [Chapter 22:23], and Part VI of the Public Procurement and Disposal of Public Assets (General) Regulations, 2018, Statutory Instrument 5 of 2018, and in accordance with the shortlisting criteria indicated in the Expression of Interest document. Short-listed Consultants/Firms will be invited to submit their proposals on a separate document based on the Standard Request for Proposals for the Selection of Consultancy Services and the Consultants submitting the successful proposals will be engaged on the contractual terms set out in that document and in accordance with the General Conditions of Contract for Consultancy Services. Copies of the Act and Regulations and the standard documentation are available on the website of the Procurement Regulatory Authority of Zimbabwe.

Participation in this bidding procedure is restricted to Zimbabwean bidders only.

Late applications will not be considered and no liability will be accepted for loss or late delivery. POTRAZ will not be responsible for any costs or expenses incurred by firms in connection with preparation or delivery of the application.

The Expression of Interest document can be obtained through the following means:

1. By sending a request through email to: pmu@potraz.gov.zw

2. By downloading from the POTRAZ website: <https://www.potraz.gov.zw>. Please note that bidders who download the EOI document from the POTRAZ website are required to send their contact details to procurement@potraz.gov.zw to enable the Authority to contact them with any clarification that may be sent through to all bidders.
3. By collecting physically from the POTRAZ Corporate Offices situate at the address below:

1008, Performance Close,
Mount Pleasant Business Park,
Harare, Zimbabwe,

The closing date for submission of Expressions of Interests is 14th April, 2020, at 1000 hours. The expressions of interest shall be submitted in the tender box situate at POTRAZ Head Office reception before the submission deadline.

NB.: Documents will be available for collection beginning Monday, 16th March, 2020.

Tender number

RPAZITF19B -2020.

Lot 1:

Motor Vehicle Double Cab Truck. Quantity^A 6.

Engine type: Diesel.

Engine capacity range: 2000 - 2500cc.

Vehicle make: Any that suites the above description.

Drive: 4x2 Wheel Drive.

Lot 2:

Mini bus: Up to 18 Seater.

Engine type: Diesel/petrol.

Engine capacity range: Not specified.

Vehicle make: Any that suites the above description.

General Notice 542C of 2020.

RADIATION PROTECTION AUTHORITY OF ZIMBABWE

Invitation to Domestic Tender (Competitive Bidding)

BIDS are invited from registered companies for the list below. Bid proposals must be submitted to The Procurement Management Unit, RPAZ, 1, McCaw Drive, Avondale West, Harare.

Documents for the above referenced tender will be issued to interested bidders upon payment of non-refundable tender fee of RTGS\$200,00, from Accounts Office, Radiation Protection Authority of Zimbabwe, 1, McCaw Drive, Avondale West, Harare.

Tender bids must be enclosed in sealed envelopes and endorsed outside with the advertised tender number.

Your submissions should reach RPAZ Offices not later than the closing date on 19th of March, 2020, at 1000 hours TelOne time.

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Statutory Instrument Issued as a Supplement to this Gazette Extraordinary

Number

65. Petroleum (Direct Fuel Imports and Marking of Fuel) Regulations, 2020.

Petroleum (Direct Fuel Imports and Marking of Fuel) Regulations,
2020

ARRANGEMENT OF SECTIONS

Section

1. Title.
2. Interpretation.
3. Designation of DFI fuel sites.
4. Pricing of petrol and diesel.
5. Marking of DFI petrol and diesel.
6. Appointment of a marking company.
7. Possession of marker.
8. Procedures for testing of a petroleum product.
9. Keeping and submission of records.
10. Prohibition of sale of petrol or diesel otherwise than with free funds.
11. Civil penalty orders.

FIRST SCHEDULE: Fees.

SECOND SCHEDULE: USD Pricing Model.

THIRD SCHEDULE: Civil Penalty Orders.

IT is hereby notified that the Minister of Energy and Power Development after consultation with the Zimbabwe Energy Regulatory Authority has, in terms of section 57 of the Petroleum Act [Chapter 13:22], made the following regulations: —

Title

1. These regulations may be cited as the Petroleum (Direct Fuel Imports and Marking of Fuel) Regulations, 2020.

Interpretation

2. In these regulations—

“approved marker” means a fuel marking substance of such specifications as the Authority shall approve;

Petroleum (Direct Fuel Imports and Marking of Fuel) Regulations,
2020

“bulk”, in relation to petrol or diesel, means petrol or diesel in such a quantity as cannot be carried in portable containers and as cannot be retailed in a single transaction;

“DFI retail site” means a direct fuel import retail site, that is to say a fuel retail site authorised by the Authority to sell petrol or diesel in foreign currency, and designated as such a site by notice in the *Gazette*,

“foreign currency” means the British Pound, United States Dollar, South African Rand, Chinese Yuan, Japanese Yen, Indian Rupee, Botswana Pula or any other currency designated as a foreign currency by the exchange control authority;

“fuel marking” means the process of introducing an approved marker into petrol or diesel;

“operator of a DFI retail site” means a petroleum licensee authorised by the Authority in terms of section 3 to operate any fuel retail site as a DFI retail site;

“Reserve Bank” means the Reserve Bank of Zimbabwe.

Designation of DFI retail sites

3.(1) No person may be designated to operate a DFI retail site unless —

- (a) it is the holder of a procurement licence issued in terms of section 30 of the Act and of a retailing licence in terms of section 31 of the Act; and
- (b) the person satisfies the Authority that the petrol or diesel to be sold at the proposed DFI retail site will be procured using the free funds of the person as defined in Statutory Instrument 109 of 1996, or any foreign currency lawfully held or earned by that person; and
- (c) the person is the owner of at least twenty-five fuel retail licences.

(2) A procurement licensee may apply to be an operator of a DFI retail site in the form and manner determined by the Authority, and must submit together with such application—

- (a) an authenticated copy of its procurement licence and retailing licences; and
- (b) subject subsection (3)(b), the appropriate fee prescribed in the First Schedule.

(3) The Authority may authorise a procurement licensee to be an operator of a DFI retail site according to the following criteria—

- (a) each procurement licensee can have no more than two fuel retail sites designated as DFI retail sites, and each such site must be in a different province:

Provided that no procurement licensee can apply for designation of a fuel retail site in each of the metropolitan provinces;

- (b) if in any province more than two applications for designation of sites in that province are received from procurement licensees, the Authority shall award the two available sites to the procurement licensees which offered the highest and second highest multiple of the fee specified in the Second Schedule for the designation of retail sites:

Provided that the applicants concerned shall be informed by the Authority in advance if the situation contemplated by this paragraph arises, and the Authority shall invite each applicant concerned to submit a sealed bid to have one of their sites designated as the DFI retail site for that province.

(4) In the interests of the fair geographical distribution of DFI retail sites, the Authority may require an applicant referred to in subsection (3) (b) or (c) to identify a different retail site for designation from the one or ones they applied for.

(5) Having considered the application the Authority may refuse to designate, or designate, the sites in question as DFI retail sites, in which latter event the Authority shall issue to the applicant a provisional certificate of designation in respect of each of the sites so designated.

(6) The holder of any provisional certificate of designation of any site as a DFI retail site must, before operating the site as such,

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2020

obtain approval from the Reserve Bank to open and operate a special transitory foreign currency account by means of which purchases and sales of petrol or diesel in connection with the DFI retail site in question will be accounted for (and if the holder holds two certificates of designation of sites as DFI retail sites, approval must be given for the opening and operation of a separate special transitory foreign currency account for each such site).

(7) Upon obtaining approval for the opening and operation of one or more special transitory foreign currency accounts referred to in subsection (6), the holder of any provisional certificate of designation of any site as a DFI retail site must show the Authority proof of such approval, whereupon the Authority shall endorse the certificate or certificates in question as final.

(8) The following are the conditions attaching to the designation of a site as a DFI retail site, in addition to any other conditions the Authority may specify in a certificate of designation—

- (a) payment for petrol or diesel sold or purchased at a DFI retail site must be done in a foreign currency;
- (b) payment for goods other than petrol or diesel sold or purchased at a DFI retail site must be done in Zimbabwe dollars;
- (c) the Authority may at any time require the operator of a DFI retail site to permit the marking of the petrol or diesel sold at the site to be done at the time and venue, and in the form and manner specified by the Authority;
- (d) for the sake of public health, safety and accountability, no more than 200 litres of petrol or diesel may be sold and dispensed (whether in a fuel tank, tanker, or portable or demountable container) to any individual purchaser in a single transaction at a DFI retail site, unless the operator or a responsible person at the site is satisfied that the petrol or diesel is not being purchased for resale, for which purpose the operator or responsible person must record in writing the following particulars in relation to such sale—
 - (i) the name and address and identity particulars (as contained in a driver's licence, national registration

card or passport) of the purchaser and, if the purchaser is acting on behalf of a principal, the name and address of that principal; and

- (ii) the purpose for which the petrol or diesel is required;
- (e) the operator shall account for the proceeds from the sale of petrol or diesel exclusively through the special transitory foreign currency account approved for that site by the Reserve Bank of Zimbabwe;
- (f) the operator must display in the forecourt of the DFI retail site a notice clearly visible to the public at large indicating that the site is DFI retail site;
- (g) the operator must display at the DFI retail site an authenticated copy of the certificate of designation relating to the site, and exhibit it to any member of the public who requests to see it.

(9) Any person who—

- (a) not being in possession of a valid certificate of designation of a site as a DFI retail site, sells any petrol or diesel or other petroleum product in foreign currency;
- (b) otherwise than at a fuel retail site or DFI retail site, sells any petrol or diesel or other petroleum product in foreign currency;

shall be guilty of an offence and liable to a fine not exceeding level 9 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(10) Where any person is charged with an offence under subsection (9), any petrol, diesel or petroleum product that is the subject-matter of the alleged offence, and any cash that is alleged to be the proceeds of the unlawful sale of such petrol, diesel or petroleum product may be seized by the Authority as an exhibit in the contemplated prosecution of the offence.

(11) Without derogating from the provisions of subsection (10), the Authority may immediately close, seal off or seize any site, premises, apparatus or containers where the offence is alleged to have been committed.

Petroleum (Direct Fuel Imports and Marking of Fuel) Regulations,
2020

Pricing of petrol and diesel

4. (1) The Authority shall, prescribe and by notification in the *Gazette* or national newspaper or the Authority's website, notify all designated licensees of the maximum wholesale and retailing petroleum products prices applicable during the specified period.

(2) The maximum wholesale prices and the maximum retail prices shall be determined by the Authority in accordance with the formula set out in the Second Schedule.

(3) The prices determined in terms of Second Schedule shall be the maximum wholesale and retail prices of petroleum products which a licensee shall sell their petroleum product.

(4) The price of petroleum products at which a person shall sell their products shall—

- (a) in the case of a procurement licensee, not exceed the procurement licensee purchase price plus margin per litre as determined by the Authority from time to time;
- (b) in the case of a retailing licensee, be the procurement licensee's selling price per litre plus margin per litre as determined by the Authority from time to time.

(5) Every retailing licensee shall display in a prominent place at the retail outlet at which they operate and in clearly legible letters and figures the current prescribed prices at which he or she sells petroleum products and the price should correspond with the one appearing on the dispensing unit.

(6) Any person who—

- (a) sells any petroleum product above the prescribed wholesale price or retailing price as prescribed by the Authority; or
- (b) fails to display the current and corresponding prescribed prices of petroleum products in accordance with subsection (5);

shall be guilty of an offence and liable to a fine not exceeding level 9 or to imprisonment for a period not exceeding five years or to both.

(7) Where any person is charged with an offence under subsection (6)(a), any petrol, diesel or petroleum product that is the subject-matter of the alleged offence, and any cash that is alleged to be the proceeds of the unlawful sale of such petrol, diesel or petroleum product may be seized by the Authority as an exhibit in the contemplated prosecution of the offence.

(8) Without derogating from the provisions of subsection (7), the Authority may immediately close, seal off or seize any sites, premises, apparatus or containers where the offence is alleged to have been committed.

Marking of DFI petrol and diesel

5. (1) When so required by the Authority, every procurement and other licensee retail site shall ensure that the petrol or diesel for sale at the site is marked with the approved marker by a marking company approved by the Authority.

(2) Marking of a petroleum product shall be done at any terminal/facility/depot as may be designated by the Authority for the purpose of marking of petrol and diesel.

(3) No petrol or diesel shall be released from a fuel marking depot unless such product has been marked and the transport unit has been issued with a certificate of marking as proof that the product has been marked.

(4) Any person who—

- (a) is a licensee in terms of the Act; or
- (b) is an operator of a DFI retail site; or
- (c) is a transporter of petrol, diesel or petroleum products;
or
- (d) is a bulk consumer of petrol or diesel;

shall ensure that they retain a copy of the certificate of marking and such copy shall be made available to the Authority for inspection.

(5) A petroleum product marking certificate shall bear the signatures of the authorised representative of the petroleum product marking company and the driver of the transport unit.

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2020

(6) The Authority may during normal business hours conduct random inspections to determine compliance with fuel marking requirements in terms of this section.

(7) Any person who provides petroleum products in foreign currency and the petroleum product is not marked to the authorised levels shall be guilty of an offence and liable to a fine not exceeding level 9 or to imprisonment for a period not exceeding five years or both such fine and such imprisonment.

(8) The Minister shall, in consultation with the Authority, publish a notice in the *Gazette* specifying the marking level/ concentration applicable to petrol or diesel from time to time.

Appointment of a marking company

6. (1) The Minister shall, in consultation with the Authority, publish a notice in the *Gazette* naming the marking company appointed by the Authority as the marking company for the purpose of these regulations.

(2) The marking company shall be responsible for—

- (a) maintaining the integrity of the fuel marking programme;
- (b) marking all fuel intended for the Direct Fuel Import facility;
- (c) supplying the Authority with marker detecting equipment for monitoring activities of the marking programme;
- (d) repairs, servicing and calibrations of marker detecting hardware and software equipment;
- (e) providing the Authority with periodic reports on operations evaluation including reconciliation of the marker and periodic returns on the use and location of the marker; and
- (f) carrying out any other functions as may be agreed on by the Authority in terms of these regulations.

(3) Any person found operating as a marking company in contravention of subsection (1) shall be guilty of an offence and liable to a fine not exceeding level 14 or imprisonment for a period not exceeding five years or both such fine and such imprisonment.

Possession of marker

7. (1) No person other than an approved marking company or duly authorised representative of the marking company shall be in possession of a marker.

(2) The marker shall at all times be stored in a secure location which is ordinarily inaccessible to the general public and unauthorised persons.

(3) The marking company shall submit to the Authority its storage, security and distribution procedure which should be to the satisfaction of the Authority.

(4) In the event of theft or accident occurring at the marking company's facility, the company shall notify the Authority within an hour of the incident occurring.

(5) Any person—

- (a) other than those specified in subsection (1) found in possession of a marker shall be guilty of an offence and shall be liable to a fine of not exceeding level 14 or imprisonment for a period of up to five year or both such fine and imprisonment; or
- (b) or marking company who contravenes the provisions of this section may have its appointment as a marking company cancelled, suspended or revoked.

Procedures for testing of a petroleum product

8. (1) The Authority shall appoint officers to be Inspectors for the purpose of these regulations and shall furnish each officer so appointed with a certificate signed by or on behalf of the Chief Executive Officer stating that he or she has been appointed as an Inspector.

(2) An appointed inspector shall take a sample of a quantity, not exceeding 500ml of a petroleum product, from a designated licensee or oil tanker and any other point throughout Zimbabwe for the purposes of carrying out tests and examination to determine the level of the marker in the sample and the respective quality of the petroleum product.

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2020

Provided that where necessary additional samples can be taken for further verification.

(3) Any person whose product is subject to testing shall comply with the requirements for the inspection/testing of the petroleum product in his or her possession. The inspector shall ensure that the sampling and testing is done in the presence of the owner's representative or site operator or driver representative.

(4) An inspector may during inspection, take a copy or extract any document related to purchase, payment, loading, handling, offloading or delivery of any fuel or a petroleum product or any other documents that may be required by the Authority.

(5) An inspector may, during the course of an inspection, break any manual seal for the purpose of taking a sample, provided that the inspector shall thereafter affix a new seal approved by the Authority, and thereafter notify the receiver of the petroleum products about the new seal affixed onto the transport unit and record the seal serial numbers.

(6) The inspector shall carry out tests to detect the fuel marker in the presence of the owner of the petroleum products or his or her representative or site operator or driver representative and shall make available the results of the test to the operator or his or her representative as soon as the test is finished:

Provided that were the owner of the petroleum products or his/her representative or site operator or driver representative is unavailable at the time of testing, this does not invalidate or render the test result invalid.

(7) Test results which show the absence of a marker or reduced marker concentration outside set limits shall be transmitted to the Authority's head office and to ZIMRA within 24 hours of the test.

(8) The Authority may immediately close down a facility or seal off a premises where the test results show the absence of a marker or low concentration of the marker in petroleum products being provided for in foreign currency.

(9) Any person who breaks the seals attached by the Authority in terms of this section shall be guilty of an offence and liable to a fine not exceeding level 14 or imprisonment for a period not exceeding five years or both such fine and such imprisonment.

(10) Any person who refuses or fails to cooperate with the inspector in terms of subsection (4) shall be guilty of an offence and liable to a fine not exceeding level 6 or imprisonment for a period not exceeding two years or both such fine and such imprisonment.

Keeping and submission of records

9. (1) A person designated in terms of these regulations shall keep and may from time to time be requested to produce records of purchases and sales transactions of fuel and other petroleum products including but not limited to the following—

- (a) fuel marking certificates;
- (b) proof of payment of purchase of petroleum products;
- (b) daily reconciliation sheets indicating the following—
 - (i) opening stocks; and
 - (ii) sales volumes; and
 - (iii) electronic and manual totalizer readings for all dispensers; and
 - (iv) closing stocks;
- (c) delivery notes;
- (d) monthly returns to the Authority showing the fuel volumes purchased and sold.

(2) The Authority may, during normal business hours, enter the premises of the licensee and request for any of the documents specified in subsection (1).

(3) Any person who—

- (a) fails to provide any of the documents specified in subsection (1);
- (b) fails or refuses to furnish a return or to supply information and in the manner prescribed; or
- (c) wilfully destroys, conceals information meant for the Authority;

shall be liable to a category 3 civil penalty order and in addition be guilty of an offence and liable to a fine not exceeding level 9 or to

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imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(4) Without derogating from the provision of subsection (3), the Authority may immediately close, seal off or seize any premises, apparatus or containers where suspected activities of providing petroleum products in foreign currency are being undertaken without the relevant approvals or authority for purposes of conducting investigation or trial.

Prohibition of sale of petrol or diesel otherwise than with free funds

10. (1) No procurement licensee shall sell petrol or diesel in foreign currency where such petrol or diesel has been procured with funds obtained by the procurement licensee on the interbank foreign exchange market or by diversion of foreign currency allocated for any purposes by an authorised dealer or the Reserve Bank to the licensee or any other person.

(2) A procurement licensee who contravenes subsection (1) shall be guilty of an offence and a fine not exceeding level 9, and every director of the governing body of the licensee shall be liable to a fine of level 6 or imprisonment for a period of six months or both such fine and such imprisonment.

Civil penalty orders

11. (1) Additionally or alternatively to any other penalty or sanction, and consistently with section 39 of the Act, the following civil penalties may be imposed for the following breaches of these regulations—

- (a) section 3(1) (selling fuel in foreign currency without being designated), for which a category 1 civil penalty order may be issued;
- (b) section 3(3)(a) (purporting to operate more sites as DFI retail sites in a province than the licensee is authorised to operate), for which a category 3 civil penalty order may be issued;
- (c) section 3(8)(a) (receiving payments for petrol or diesel sold or purchased at a DFI retail site otherwise than in

foreign currency), for which a category 1 civil penalty order may be issued;

- (d) section 3 (8) (b) (selling goods other than petrol or diesel at a DFI retail site for foreign currency), for which a category 4 civil penalty order may be issued;
- (e) section 3(8)(c) (when required to mark petrol or diesel at a DFI retail site, fails to have it marked in the form and manner specified by the Authority), for which a category 3 civil penalty order may be issued;
- (f) section 3(8)(d) (having sold more than 200 litres of petrol or diesel in a single transaction to any individual purchaser, fails to keep the record required by that provision), for which a category 1 civil penalty order may be issued;
- (g) section 3(8)(e) (failing to transact through the special transitory foreign currency account as required by that provision), for which a category 1 civil penalty order may be issued;
- (h) section 3 (8) (f) (failing to display in the forecourt of the DFI retail site a notice clearly visible to the public at large indicating that the site is DFI retail site), for which a category 2 civil penalty order may be issued;
- (i) section 3(8)(g) (failing to display at the DFI retail site an authenticated copy of the certificate of designation relating to the site, or refusing to exhibit such certificate to a member of the public who requests it), for which a category 2 civil penalty order may be issued;
- (j) section 3(8)(g) (failing to display at the DFI retail site an authenticated copy of the certificate of designation relating to the site, or refusing to exhibit such certificate to a member of the public who requests it), for which a category 2 civil penalty order may be issued;

(2) The provisions of the Third Schedule apply to any infringement of these regulations in respect of which it is provided that a civil penalty is payable.

Petroleum (Direct Fuel Imports and Marking of Fuel) Regulations, 2020

1.	Annual licence fee:	procurement licence	20 000,00
2.	Annual licence fee:	retailing licence (urban area)	1 500,00
3.	Annual licence fee:	retailing licence (rural area)	1 000,00
4.	Annual licence fee:	wholesale licence	9 000,00
5.	Annual licence fee:	blending licence	5 000,00

SECOND SCHEDULE

USD PRICING MODEL

		Diesel Formula	Diesel 50	Blend Formula	Unleaded Petrol	Blended Petrol
1	FOB Price	a		a		
2	Freight (Pipeline)	b	0.0789	b	0.0789	0.0789
3	Financing Cost	c	0.0250	c	0.0250	0.0250
4	Total Landei Cost	(a+b+c) = I	i	(a+b+c) =)		
5	Exchange Rate <i>(not applicable)</i>	e		e		
6	Total Landei Cost	D		D	-	
7	TAXES & LEVIES					
8	Duty	g	-	g	-	-
9	Zimara road levy	h	0.0200	h	0.0200	0.020
10	Carbon tax	i	0.0130	i	0.0130	0.013
11	Debt redemp- tion	j	0.0130	j	0.0130	0.013

S.I. 65 of 2020

		Diesel Formula	Diesel 50	Blend Formula	Unleaded Petrol	Blended Petrol
12	Fuel Marking	k		k		
13	Strategic Reserve Levy	₁	0.0150	₁	0.0150	0.015
14	Total taxes & levies	(g+h+i+j+k) = M		(g+h+i+j+k) = M		
15	ADMINISTRATIVE COSTS					
16	Storage and Handling	_n	0.0200	_n	0.0200	0.020
17	Clearing Agency fee	_o	0.0150	_o	0.0150	0.015
18	Total administrative cost!	(n+o) = P	0.0350	(n+o) = P	0.0350	0.035
19	Total product cost landed Msasa	D + M + P		D + M + P		
20	BLENDING COSTS					
21	Ethanol Cost			_q	-	-
22	Blend ratio			r	0%	**%
23	DISTRIBUTION COSTS	U - S				
24	Inland bridging cost	_q	0.1000	_s	0.1000	0.100
25	Storage and handling costs	_r	0.0750	_t	0.0750	0.075
26	Secondary transport cost	_s	0.1500	_u	0.1500	0.150
27	Total distribution costs	(q+r+s) = T	0.3250	(s+t+u) = V	0.3250	0.325

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2020

		Diesel Formula	Diesel 50	Blend Formula	Unleaded Petrol	Blended Petrol
28	Total Costs	$D + M + P + T = L$		$((D+M+P) * (1 - r)) + (0 * r) + V = w$		
29	Oil Company margin	V	%	X	%	%
30	Oil Company Gross proceeds	$U + V = w$		$W + X = Y$		
31	Dealer Marg	K	%	/	%	%
32	Final Pump Price	$X + Y = Z$		$Z + Y = Z^*$		

THIRD SCHEDULE (Section 10(3n

CIVIL PENALTY ORDERS

ARRANGEMENT OF PARAGRAPHS

Section

1. Interpretation in Schedule.
2. Power of Authority to issue civil penalty orders and categories thereof.
3. Variation of certain penalties and limitation of multiple of penalties.
4. Service and enforcement of civil penalties and destination of proceeds thereof.
5. Limitation on issuance and enforcement of civil penalty orders.
6. Additional due process requirements before service of certain civil penalty orders.
7. Judicial review of civil penalty orders.
8. Provisional provisions in connection with civil penalty orders.
9. Designated officers.

Interpretation in Schedule

- I. In this Schedule, unless the context otherwise requires—

“citation clause”, in relation to a civil penalty order, is the part of the order in which the Authority names the defaulter and cites the provision of these regulations in respect of which the default was made or is alleged, together with (if necessary) a brief statement of the facts constituting the default;

“designated officer” means an employee or the Authority or other person designated and authorised by the Chief Executive Officer of the Authority to undertake duties in connection with the implementation of this Schedule;

“penalty clause”, in relation to a civil penalty order, is the part of the order that fixes the penalty to be paid by the defaulter, and “fixed penalty clause” and “cumulative penalty clause” shall be construed accordingly;

“remediation clause” in relation to a civil penalty order, is the part of the order that stipulates the remedial action to be taken by the defaulter.

Power of Authority to issue civil penalty orders and categories thereof

2. (1) Where default is made in complying with any provision of these regulations or any order made under these regulations for which a civil penalty is specified to be leviable, the Authority may, in addition to, and without derogating from, any criminal or non-criminal penalty that may be imposed by these regulations, the Act or any other law for the conduct constituting the default, serve upon the defaulter a civil penalty order of the appropriate category specified in subparagraph (2), (3), (4), (5) or (6) or any combination of such orders as the provision in question may allow.

(2) A category 1 civil penalty order provides for a combination of a fixed penalty and a cumulative penalty over a period not exceeding ninety days for a specified completed and irremediable default (that is to say a default in respect of which no remediation is sought by the Authority or is possible), of which—

- (a) the fixed penalty shall be the maximum amount specified for level 10 (or the penalty specified in paragraph 3, as the case may be); and
- (b) the cumulative penalty shall be a penalty of the maximum amount of level 3 for each day (beginning on the day after the service of a civil penalty order) during which the defaulter fails to pay the fixed penalty under paragraph (a);

(3) A category 2 civil penalty order provides for a cumulative civil penalty for a specified completed but remediable default which—

- (a) must be suspended conditionally upon the defaulter taking the remedial action specified in the civil penalty order immediately (that is to say, within twenty-four hours after the civil penalty is served on him or her);
- (b) upon the civil penalty becoming operative because of non-compliance with the requested remedial action, shall provide for a penalty of the maximum amount of level 3 for each day, not exceeding ninety days, during which the defaulter continues to be in default (beginning

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on the day after the last day on which the defaulter fails to take the remedial action).

(4) A category 3 civil penalty order provides for a combination of a fixed penalty and potentially two cumulative penalties for a specified completed but partially remediable default, of which—

- (a) the fixed penalty shall be the maximum amount specified for level 5; and
- (b) the cumulative penalty—
 - (i) relating to paragraph (a) shall be a penalty of the maximum amount of level 3 for each day (beginning on the day after the service of a civil penalty order) during which the defaulter fails to pay the civil penalty under paragraph (a); and
 - (ii) relating to the taking of the specified remedial action—
 - A. shall be the maximum amount of level 3 for each day, not exceeding ninety days, that the defaulter fails to take the specified remedial action with effect from a specified date; and
 - B. must be suspended conditionally upon the defaulter taking the remedial action specified in the civil penalty order within the time specified in the order.

(5) A category 4 civil penalty order provides for a cumulative penalty for a continuing default which—

- (a) must be suspended conditionally upon the defaulter immediately (that is to say, within twenty-four hours after the civil penalty is served on him or her) ceasing the default;
- (b) upon the civil penalty becoming operative because of failure to cease the default immediately, shall be the maximum amount fixed for level 6 for each day during which the default continues, not exceeding a period of ninety days.

(6) A category 5 civil penalty order provides for a combination of a fixed penalty and a cumulative penalty for a specified continuing default where the time of compliance is of the essence—

- (a) both of which penalties must be suspended conditionally upon the defaulter taking the remedial action specified in the civil penalty order within the time specified in the order;
- (b) which, upon the civil penalty becoming operative because of non-compliance with the requested remedial action, shall provide—

- (i) a fixed penalty of the maximum amount for level 10 for not meeting the specified deadline; and
- (ii) a cumulative penalty of the maximum amount of 3 three for each day, not exceeding ninety days, for which the defaulter fails to pay the amount specified in subparagraph (i).

Variation of certain penalties and limitation of multiple of penalties

3. A single civil penalty order may be served in respect of two or more defaults committed by the defaulter within a single period not exceeding six months, but if the aggregate of such defaults results in the defaulter becoming liable (either immediately or within seven days from the service of the civil penalty order) to a penalty or combined penalties in excess of the equivalent of one hundred thousand dollars, the Authority may select one or any combination of those defaults which will not result in the defaulter becoming so liable, while reserving the right to serve a second or further additional civil penalty orders in respect of the defaults not so selected if the defaulter does not comply with the first civil penalty order.

Service and enforcement of civil penalties and destination of proceeds thereof

4. (1) References to the Authority serving upon a defaulter any civil penalty order in terms of these regulations (or serving upon an alleged defaulter a show cause notice referred to in paragraph 6 (“Additional due process requirements before service of certain civil penalty orders”), are to be interpreted as requiring the Authority to deliver such order (or such notice) in writing to the defaulter (or alleged defaulter) concerned in any of the following ways—

- (a) by registered post addressed to the defaulter’s (or alleged defaulter’s) principal office in Zimbabwe or other place of business of the defaulter (or alleged defaulter); or
- (b) by hand delivery to the director, manager, secretary or accounting officer of the defaulter (or alleged defaulter) in person (or through an inspector or other person employed in the Financial Intelligence Unit, or a police officer), or to a responsible individual at the place of business of the defaulter; or
- (c) by delivery through a commercial courier service to the defaulter’s (or alleged defaulter’s) principal office in Zimbabwe or other place of business of the defaulter (or alleged defaulter); or
- (d) by electronic mail at the electronic mail address furnished by the defaulter (or alleged defaulter) to the Authority;

Provided that in this case a copy of the order or notice shall also be sent to the electronic mail address of the defaulter’s (or alleged defaulter’s) legal practitioner in Zimbabwe.

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(2) The Authority shall not extend the period specified in a civil penalty order for compliance therewith except upon good cause shown to him or her by the defaulter, and any extension of time so granted shall be noted by the Authority in the civil penalty enforcement register referred to in paragraph 8 (“Evidentiary provisions in connection with civil penalty orders”).

(3) If in these regulations both the defaulting company and every officer of the company who is in default are said to be liable to a civil penalty order, the Authority may—

- (a) in the same civil penalty order, name the defaulting company and every officer concerned as being so liable separately, or issue separate civil penalty orders in respect of the defaulting company and each of the officers concerned;
- (b) may choose to serve the order only upon the defaulting company if, in his or her opinion (which opinion the Director shall note in the civil penalty enforcement register referred to in paragraph 8, there may be a substantial dispute of fact about the identity of the particular officer or officers who may be in default:

Provided that nothing in this section affects the default liability of officers of the company mentioned in subparagraph (8).

(4) The Authority may, in the citation clause of a single civil penalty order, cite two or more defaults relating to different provisions of these regulations if the defaults in question—

- (a) occurred concurrently or within a period not exceeding six months from the first default or defaults to the last default or defaults; or
- (b) arose in connection with the same set of facts.

(5) Where in these regulations the same acts or omissions are liable to both criminal and civil penalty proceedings, the Authority may serve a civil penalty order at any time before the commencement of the criminal proceedings in relation to that default, that is to say at any time before—

- (a) summons is issued to the accused person for the prosecution of the offence; or
- (b) a statement of the charge is lodged with the clerk of the magistrates court before which the accused is to be tried, where the offence is to be tried summarily; or
- (c) an indictment has been served upon the accused person, where the person is to be tried before the High Court;

as the case may be, but may not serve any civil penalty order after the commencement of the criminal proceedings until after those proceedings are concluded (the criminal proceedings are deemed for this purpose to be concluded

even if they are appealed or taken on review). (For the avoidance of doubt it is declared that the acquittal of an alleged defaulter in criminal proceedings does not excuse the defaulter from liability for civil penalty proceedings).

(6) Upon the expiry of the ninety day period within which any civil penalty order of any category must be paid, the defaulter shall be guilty of an offence and liable to a fine not exceeding level 6 or to imprisonment for a period not exceeding one year or to both.

(7) The amount of any civil penalty shall —

- (a) be payable to the Authority and shall form part of the funds of the Authority; and
- (b) be a debt due to the Authority and shall be sued for in any proceedings in the name of the Authority in any court of competent civil jurisdiction.

(8) If the defaulter is a company, private business corporation or other body corporate, every officer of the company, corporation or body corporate, mentioned in the civil penalty order by name or by office, is deemed to be in default and any one of them can, on the basis of joint and several liability, be made by the Authority to pay the civil penalty in the event that the company, corporation or body corporate does not pay.

(9) If the Authority in terms of paragraph (7)(b) desires to institute proceedings to recover the amounts of two or more civil penalties in any court of competent civil jurisdiction, it may, after notice to all interested parties, bring a single action in relation to the recovery of those penalties if the orders relating to those penalties—

- (a) were all served within the period of twelve months preceding the institution of the proceedings; and
- (b) were served—
 - (i) on the same company or private business corporation; or
 - (ii) in relation to the same default or set of defaults, whether committed by the same company or private business corporation or different companies or private business corporations; or
 - (iii) on two or more companies or private business corporations whose registered offices are in the same area of jurisdiction of the court before which the proceedings are instituted.

(10) Unless the Authority has earlier recovered in civil court the amount outstanding under a civil penalty order, a court convicting a person of an offence against subparagraph (6), may on its own motion or on the application of the prosecutor and in addition to any penalty which it may impose give summary judgement in favour of the Authority for the amount of any outstanding civil penalty due from the convicted defaulter.

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Limitation on issuance and enforcement of civil penalty orders

5. (1) No civil penalty order may be issued more than twelve months from the date when the infringement or alleged infringement occurred or ceased to occur.

(2) Any amount owing under a civil penalty order is a debt owed to the State for the purposes of section 15(b) of the Prescription Act [Chapter 8:11],

Additional due process requirements before service of certain civil penalty orders

6. (1) Except in relation to any civil penalty order which the Authority is satisfied that it does not involve any substantive dispute of fact, the Authority must notify the alleged defaulter in writing of the Authority's intention to serve the civil penalty order (which notice shall hereafter be called a "show cause notice") and the Authority's reasons for doing so and shall call upon the alleged defaulter to show cause within the period specified in the notice (which period shall not be less than 48 hours or more than seven days from the date of service of the notice) why the civil penalty order should not be served upon him or her, and, if the alleged defaulter-

- fa) makes no representations thereto within the notice period, the Authority shall proceed to serve the civil penalty order, or
- (b) makes representations showing that the alleged default in question was not wilful or was due to circumstances beyond the alleged defaulter's control or for any other reason specified in the civil penalty provision in question, the Authority shall not proceed to serve the civil penalty order; or
- (c) makes no representations of the kind referred to in paragraph (b) the Authority shall proceed to serve the civil penalty order.

(2) In addition, where it appears to the Authority from written representations received under subparagraph (1) that there may be a material dispute of fact concerning the existence or any salient aspect of the alleged default, the Authority must afford the alleged defaulter an opportunity to be heard by making oral representations before the Authority (in the person of such officer or officers of the Authority as its Chief Executive Officer may designate), for which purpose the Authority shall have the same powers, rights and privileges as are conferred upon a commissioner by the Commissions of Inquiry Act [Chapter 10:07], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 19 of that Act shall apply with necessary changes in relation to the hearing and determination before the Authority of the alleged default in question, and to any person summoned to give evidence or giving evidence before the Authority.

(3) Any person who is aggrieved by a civil penalty order made after the making of representations in terms of this section may appeal against the order to the Administrative Court, and the Court may make such order as it thinks fit:

Provided that the lodging of the appeal shall not of itself suspend the obligation of the defaulter to comply with the civil penalty order.

Judicial review of civil penalty orders

7. If the Authority does not issue a show cause order under paragraph 6 before issuing and serving a civil penalty order under paragraph 5, the defaulter or alleged defaulter may seek review of the Authority's action by the Administrative Court, but the lodging of the application for review shall not of itself suspend the obligation of the defaulter to comply with the civil penalty order.

Evidentiary provisions in connection with civil penalty orders

8. (1) For the purposes of this Schedule the Authority shall keep a civil penalty enforcement register wherein shall be recorded—

- (a) the date of service of every show cause notice, the name and the physical or registered office address of the person upon whom it was served, the civil penalty provision in relation to which the alleged defaulter was alleged to be in default, and whether or not the show cause notice was followed by the service of a civil penalty order:

Provided that a record or an adequate summary of any representations made in response to a show cause notice shall be made by way of an entry or cross-reference in, or annexure to, the register, and if recorded by way of annexure or cross-reference, the representations must be preserved for a period of at least three years from the date when they were made to the Authority;

- (b) the date of service of every civil penalty order, the name and the physical or registered office address of the person upon whom it was served, the civil penalty provision in relation to which the defaulter was in default, and the date on which the civil penalty order was complied with or the penalty thereunder was recovered as the case may be.

(2) A copy of—

- (a) any entry in the civil penalty enforcement register, and of any annexure thereto or record cross-referenced therein, authenticated by the Authority as a true copy of the original, shall on its mere production in any civil or criminal proceedings by any person, be *prima facie* proof of the contents therein; or

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- (b) any civil penalty order that has been served in terms of this Act, authenticated by the Authority as a true copy of the original, shall on its mere production in any civil or criminal proceedings by any person, be *prima facie* proof of the service of the order on the date stated therein upon the defaulter named therein, and of the contents of the order.

Designated officers

9. (1) Any reference to the Authority in this Schedule shall be construed as a reference to a designated officer.

(2) The Chief Executive Officer of the Authority shall furnish each designated officer with a certificate signed by or on behalf of the Chief Executive Officer stating that he or she has been appointed as an designated officer for the purpose of this Schedule.

(3) A designated officer shall, on demand by any person affected by the exercise of the powers conferred upon the Authority under this Schedule, exhibit the certificate issued to him or her in terms of subsection (2).

(4) A designated officer may request to be accompanied by a police officer or an officer of the Reserve Bank or of the Zimbabwe Revenue Authority when serving a civil penalty order upon any person.