

---

## GOVERNMENT NOTICES

---

### DEPARTMENT OF MINERALS AND ENERGY

No. R. 286

27 March 2006

### PETROLEUM PRODUCT ACT, 1977

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

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

## SCHEDULE

### ARRANGEMENT OF REGULATIONS

Definitions .....	3
Scope of regulation .....	5
<b>CHAPTER 1 .....</b>	<b>5</b>
<b>SITE LICENCES.....</b>	<b>5</b>
Lodging of site licence application .....	5
Notice of application for site licence .....	5
Acceptance of site licence application.....	6
Evaluation of site licence application.....	7
Procedure for issuing site licence.....	7
Particulars to be included in site licence.....	8
Site rehabilitation .....	9
Financial security for rehabilitation.....	10
General conditions with regard to site licence.....	11
Transfer of site licence.....	12
Documents to be submitted in support of site licence application.....	13
Documentation to be submitted to the Controller upon a successful application.....	16
<b>CHAPTER 2.....</b>	<b>16</b>
<b>RETAIL LICENCES.....</b>	<b>16</b>
Lodging of retail licence application.....	16
Notice of application for retail licence .....	17
Acceptance of retail licence application.....	18
Evaluation of a retail licence application.....	18
Procedure for issuing a retail licence.....	19
Limitation on number of retail licences issued to wholesalers.....	20
Particulars to be included in retail licence .....	20
Conditions with regard to retail licence.....	21
Temporary retail licence .....	22
Commencement and continuation of business under retail licence .....	23
Documents to be submitted in support of retail licence application.....	23
Information to be submitted annually to Controller by licensed retailer.....	25
<b>CHAPTER 3 .....</b>	<b>26</b>
<b>GENERAL PROVISIONS.....</b>	<b>26</b>
Application for duplicate site or retail licence.....	26
Surrender of licence.....	27
Suspension or cancellation of licence .....	27
Termination of a licence .....	28
Decision-making by Controller.....	28
Refusal to issue licence .....	29
Appeals .....	29
False Declarations .....	29
Additional Information.....	29
Amendment of licence .....	29
Ownership of licence .....	30
Publication of data by the Controller.....	30
<b>ANNEXURE A: FORMS .....</b>	<b>32</b>
<b>ANNEXURE B: LICENCE FEES.....</b>	<b>33</b>

## 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 indicates otherwise-

“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 contemplated in the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“competent authority or person” means the relevant authority or person in terms of the applicable law;

“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 contemplated in the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“net present value” means a generally accepted method used to determine economic viability by considering future streams of revenues and costs of a business activity discounted into equivalent present values;

“permit holder” means any person who has written permission contemplated in section 2A(4)(b) of the Act to develop a site on publicly owned land;

“petroleum products” means, in these Regulations, liquefied petroleum gas used for the propulsion of vehicles, petrol and diesel;

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

“**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;

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

“**training**” means learnerships contemplated in Section 16 of the Skills Development Act, 1998 (Act No. 97 of 1998) and “**trained**” has a corresponding meaning.

## Scope of regulation

2. These Regulations apply to site and retail licences.

## CHAPTER 1 SITE LICENCES

### Lodging of site licence application

3. (1) An applicant for a site licence must—
  - (a) complete an application form contained in Annexure A; and
  - (b) lodge the application with the Controller together with the documents specified—
    - (i) in the case of an applicant in respect of whom section 2D of the Act is not applicable, in regulation 13(1); or
    - (ii) in the case of an applicant in respect of whom section 2D of the Act is applicable, in regulation 13(2).

(2) The application contemplated in subregulation (1) must be lodged together with an application for a corresponding retail licence.

(3) An applicant contemplated in subregulation (1) in respect of whom section 2D of the Act is not applicable may not commence with construction on a site until the Controller has issued a site licence.

### Notice of application for *site licence*

4. (1) When an application for a site licence contemplated in regulation 3 is accepted, an applicant in respect of whom section 2D of the Act is not applicable, must have a notice of the application published in a prominent manner, in at least two of the most popular newspapers circulating in the area of the proposed activity in two official languages, one of which must be English.

- (2) The notice contemplated in subregulation (1) must state-
- (a) the name of the applicant;
  - (b) the application number issued by the Controller upon acceptance of the application;
  - (c) the purpose of the application;
  - (d) the place where the application will be available for inspection by any member of the public;
  - (e) the period within which any objection to the issuing of the licence may be lodged with the Controller; and
  - (f) the address of the Controller where objections may be lodged.

(3) The place contemplated in subregulation (2)(d) must be the physical address of the Controller's office where the application was lodged.

(4) The period contemplated in subregulation (2)(e) must be at least 20 working days from the date of publication of the notice.

(5) Proof of the publication of the notice of application contemplated in subregulation (1) must be submitted to the Controller.

### **Acceptance of site licence application**

5. (1) Before accepting a site licence application, the Controller must be satisfied that-

- (a) a corresponding valid retail licence application has been lodged for that site;
- (b) the applicant-
  - (i) is the owner of the site;

- (ii) in the case of-
  - aa publicly owned land, has the written permission of the owner; or
  - bb an applicant in respect of whom section 2D of the Act is applicable, holds the site:
- (c) the application form has been completed in full; and
- (d) all the documents specified in regulation 3(b) have been submitted with the application form.

### **Evaluation of site licence application**

6. (1) In evaluating an application for any site licence, the Controller must, subject to subregulation (2), verify that-

- (a) the information and the documents submitted with the application form are true and correct; and
- (b) the notice contemplated in regulation 4(1) was published.

(2) In the case of an application for a site licence made by a person in respect of whom section 2D of the Act is not applicable, the Controller must be satisfied that-

- (a) there is a need for a site; and
- (b) the site will promote the licensing objectives stipulated in sections 2B(2) of the Act.

### **Procedure for issuing site licence**

7. The Controller must, if satisfied that an application for a site licence meets the requirements of the Act and these regulations-

- (a) inform the applicant that the application has been successful;
- (b) require the applicant to, within the period determined by the Controller-
  - (i) pay the relevant fee **determined** in Annexure B into the relevant regional bank account; and
  - (ii) submit the documents contemplated in regulation **14**; and

**issue** the site licence the documentation contemplated in paragraph (b)(ii),.

#### **Particulars to be included in site licence**

**8. A site licence must include—**

- (a) the name of the licensee;
- (b) the licence number;
- (c) the identity number or company registration number of the licensee;
- (d) **the** location of the site as represented by the Erf, Stand or Lot number;
- (e) each type of petroleum product that may be retailed on that site;
- (f) the date of issue of the licence;
- (g) the conditions of the licence; and
- (h) the Controller's signature.



**Site rehabilitation**

9. (1) An environmental management plan, approved by a competent authority or person, contemplated in regulation 14(b)(i) must include-
- (a) details of-
    - (i) the authority or person who prepared the environmental management plan; and
    - (ii) the expertise of that authority or person who prepared the environmental management plan;
  - (b) a summary of the assessment of the significance of the potential impacts, the proposed mitigation and management measures to minimise adverse impacts;
  - (c) a description of the environment likely to be affected by the proposed site;
  - (d) an assessment of the potential impacts of the proposed retailing activity on the environment, socio-economic conditions and cultural heritage, if any;
  - (e) a financial provision which must include-
    - (i) details of the method providing for the financial provision contemplated in regulation 10(1); and
    - (ii) the determination of the quantum of the financial provision contemplated in regulation 10(3);
  - (f) planned monitoring and performance assessment of the environmental management plan;
  - (g) closure of the licensed site;
  - (h) the environmental objectives;

- (i) a record of public participation undertaken and the results thereof; and
- (j) an undertaking by the applicant to execute the environmental management plan.

### **Financial security for rehabilitation**

**10.** (1) The financial provision required in terms of regulation 9(1)(e) to achieve the total quantum for the rehabilitation, management and remediation of negative environmental impacts must be provided for by one or more of the following methods:

- (a) An approved contribution to a trust which must be in the format approved by the Controller from time to time;
- (b) a financial guarantee from a South African registered bank or any other financial institution approved by the Controller guaranteeing the financial provision relating to the environmental management plan in the format approved by the Controller from time to time;
- (c) a deposit into the account specified by the Controller in the format approved by the Controller from time to time; or
- (d) any other method that the Controller may approve.

(2) In the case of subregulation (1)(c), proof of payment must be submitted to the Controller prior to the acceptance of the environmental management plan.

(3) The quantum of the financial provision must be determined in consultation with a competent authority or person and must include a detailed provision for costs that could be incurred in the event of-

- (a) premature closure regarding-

- (i) the rehabilitation of the land;
  - (ii) the prevention and management of pollution of the atmosphere;
  - (iii) the prevention and management of pollution of water and the soil; and
  - (iv) the prevention of spillage and leakage into ~~the~~ ground of chemical substances introduced onto the site;
- (b) decommissioning and final closure of the operation; and
- (c) post closure management of residual and latent environmental impacts.
- (4) The holder of a site licence must annually update and review the quantum of the financial provision-
- (a) in consultation with a competent authority or person;
  - (b) as required in terms of the approved environmental management plan; or
  - (c) as requested by the Controller.
- (5) Any inadequacies with regard to the financial provision must ~~be~~ rectified by the licensee-
- (a) In an amendment of the environmental management plan; or
  - (b) as determined by the Controller.

#### **General conditions with regard to ~~site~~ licence**

11. (1) 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.

(2) A licensee must inform the Controller, in writing, of any change of address or telephone number within 30 days of the relevant change taking effect.

(3) A corresponding 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.

(4) A licensee must at all times-

(a) comply with the Act and these Regulations; and

(b) carry out legitimate instructions from the Controller.

### **Transfer of site licence**

12. (1) In the case of a licence issued to a person in respect of whom section 2D of the Act is not applicable, a site licence must be transferred when the land or a written permission, in the case of publicly-owned land, in respect of which the site licence has been issued, changes ownership, subject thereto that-

(a) the new owner of that land, the new permit holder, applies in writing to the Controller to have that licence transferred within six months of taking ownership or possession of the site;

(b) the applicant-

(i) pays the relevant site licence fee determined in Annexure B into the relevant regional bank account;

(ii) submit proof of payment of the relevant fee to the Controller; and

(iii) provide proof of the financial provision, contemplated in regulation 14(b)(ii), for the purposes of rehabilitating a site upon the cessation of retailing activities; and

- (c) the applicant provides a certified copy of the title deed to the land or a certified copy of the deed of transfer of ownership of the land, to the Controller.

(2) In the case of a licence issued to a person in respect of whom section 2D of the Act is applicable, the site licence issued to-

- (a) a land owner, must be transferred to the new owner of that land; or
- (b) a lessee, must be transferred to the new lessee or to the new owner of that land.

(3) The site licence transfer contemplated in subregulation (2) must be subject to-

- (a) the lodging of an application therefor within ~~six~~ months of change ~~of~~ ownership or lease;
- (b) the payment of the relevant site licence fee determined in Annexure B into the relevant regional bank account; and
- (c) the provision of a certified copy of the title deed or of the deed of transfer or of the lease agreement, to the Controller.

(4) Any new owner or permit holder or lessee of the 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 or possession of that site or of the lease, **shall be** in contravention of *the* Act and these Regulations.

(5) In the event ~~of~~ a transfer of a site licence, the provisions of these Regulations apply, subject to the necessary changes.

### **Documents to be submitted in support of site licence application**

13. (1) An applicant for a site licence in respect of whom section 2D of the Act is not applicable must submit-

- (a) a motivation for the site;
- (b) a certified copy of the applicant's identity document if the applicant is a natural person 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 the business entity's registration documents, if the applicant is a corporate entity or a trust;
- (d) certified copies of –
  - (i) the land use zoning certificate issued by a competent authority or person, authorising retailing from the site;
  - (ii) the Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, **1989** (Act No. 73 of **1989**), permitting retailing operations on the site;
  - (iii) **in** the case of-
    - aa** an owner, the title deed to the land on which the site is located;
    - bb** publicly-owned land, the written permission of the land owner;
  - (iv) **the** 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;

(2) An applicant for a site licence in respect of whom section **2D** of the **Act is applicable**, must submit–

- (a) a certified copy of the applicant's identity document if the applicant **is** a natural person 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 the business entity's registration documents, if the applicant **is** a corporate entity or a trust;
  - (c) certified copies of—
    - (i) in the case of—
      - aa** an owner, the title deed to the land on which the site is located;
      - bb** publicly owned land, the written permission of the land owner, or
    - (ii) a lease agreement or an offer to purchase the site or an offer to lease the site;
  - (d) a declaration **by** the applicant stating that the applicant **is** in compliance with the Act, these Regulations and all other national, provincial and local government laws applicable for the operation of the activity concerned;
  - (e) if retailing operations were being conducted on the site at the commencement of the Amendment Act, a declaration by the applicant to that effect; and
  - (f) if the applicant is in the process of developing a site at the commencement of the Amendment Acts, a statement signed by the appropriate building inspector or other competent authority stating—
    - (i) the date on which building plans for the site were approved by the appropriate authorities, and
-

- (ii) that construction in accordance therewith had begun at the commencement of the Amendment Acts:

### **Documentation to be submitted to the Controller upon a successful application**

14. When an application has been successful and upon request from the Controller, the applicant must-

- (a) submit proof of payment of the licence fee to the Controller; and
- (b) in the case of an applicant who does not qualify in terms of Section 2D of the Act-
  - (i) submit an environmental management plan; and
  - (ii) provide proof of financial provision for the purposes of rehabilitating a site upon cessation of retailing activities.

## **CHAPTER 2 RETAIL LICENCES**

### **Lodging of retail licence application**

15. **(1)** An applicant for a retail licence, must-
- (a) complete an application form in the form contained in Annexure A; and
  - (b) lodge that application with the Controller together with the documents specified-
    - (i) in the case of an applicant in respect of whom section 2D of the Act is not applicable, in regulation 25(1); or



- (ii) in the case of an applicant in respect of whom section 2D of the Act is applicable, in regulation 25(2).

(2) An applicant in respect of whom section 2D of the Act is not applicable, must provide-

- (a) the result of the net present value calculation; and
- (b) all data and assumptions used in the calculation of the net present value.

(3) In the case of a retail business owned by a licensed wholesaler for training purposes, the licensed wholesaler must submit with the application a declaration stating that the licensed retailing activity will be used for training purposes.

(4) The application contemplated in subregulation (1) must be lodged together with an application for a corresponding site licence: Provided that in the case of a licensed site, a valid site licence, or a certified copy thereof, must accompany the application.

### **Notice of application for retail licence**

**16.** (1) When an application for a licence as contemplated in regulation 15 is accepted, an applicant in respect of whom section 2D of the Act is not applicable must have a notice of the application published in a prominent manner, in at least two of the most popular newspapers circulating in the area of the proposed activity in two official languages, one of which must be English.

- (2) The notice contemplated in subregulation (1) must state-
- (a) the name of the applicant;
  - (b) the application number issued by the Controller upon acceptance of the application;
  - (c) the purpose of the application;

- (d) the place where the application will be available for inspection by any member of the public;
- (e) the period within which any objection to the issuing of the licence may be lodged with the Controller; and
- (f) the address of the Controller where objections may be lodged.

(3) The place contemplated in subregulation (2)(d) must be the physical address of the Controller's office where the application was lodged,

(4) The period contemplated in subregulation (2)(e) must be at least 20 working days from the date of publication of the notice.

(5) Proof of the publication of the notice of application contemplated in subregulation (1) must be submitted to the Controller.

#### **Acceptance of retail licence application**

**17.** In accepting a retail licence application, the Controller must be satisfied that—

- (a) a corresponding site licence application has been lodged or a valid site licence exists;
- (b) the applicant is the owner of the business;
- (c) the application form has been completed in full; and
- (d) all the documents contemplated in regulation 15(1)(b) have been submitted.

#### **Evaluation of a retail licence application**

**18. (1)** In evaluating an application for any retail licence, the Controller must, subject to subregulation (2), verify that—

4

(a) the information and the documents submitted with the application form are true and correct; and

(b) the notice contemplated in regulation 16(1) was published.

(2) In the case of an application for a retail licence made by a person in respect of whom section 2D of the Act is not applicable, the Controller must be satisfied that-

(a) the retailing business is economically viable; and

(b) the retailing business will promote licensing objectives stipulated in section 2B(2) of the Act.

(3) In determining the economic viability contemplated in subregulation (2)(a), the Controller must be satisfied that the net present value has been correctly calculated and is positive.

#### Procedure for issuing a retail licence

19. The Controller must, if satisfied that an application for a retail licence meets the requirements of the Act and these Regulations-

(a) inform the applicant that the application has been successful; and

(b) require the applicant to, within a period determined by the Controller-

(i) pay the relevant retail licence fee determined in Annexure B into the relevant regional bank account; and

(ii) submit proof of payment of the licence fee to the Controller; and

issue the retail licence upon receipt of the proof of payment contemplated in paragraph b(ii).

**Limitation on number of retail licences issued to wholesalers**

20. A licensed wholesaler may, for training purposes, be issued a retail licence provided that-

- (a) one retail licence for the first 100 sites supplied with petroleum products by that wholesaler; and
- (b) one retail licence for every additional 200 sites supplied with petroleum products by that wholesaler;

but no more than nine retail licences in total, are issued.

**Particulars to be included in retail licence**

21. A retail licence must include—

- (a) the name of the licensed retailer;
- (b) the licence number;
- (c) a corresponding site licence number;
- (d) the identity number or company registration number of the licensed retailer;
- (e) the location of the retailing activity as represented by the Erf, Stand or Lot number;
- (f) each type of petroleum product the licensee *is* licensed to retail;
- (g) the date of issue of the licence;
- (h) the conditions of the licence; and
- (i) the Controller's signature.

**Conditions with regard to retail licence**

22. (1) The licensed retailing activity must remain a going concern.
- (2) A licensed retailer must only-
- (a) retail from the site specified on the retail licence; and
  - (b) purchase petroleum products from a licensed wholesaler or a licensed manufacturer.
- (3) A licensed retailer must-
- (a) inform the Controller in writing of any change of address or telephone number within 30 days of the relevant change taking effect;
  - (b) pay the annual licence fee determined in Annexure **B** before the anniversary of the licence issued;
  - (c) comply with the Charter;
  - (d) submit the information set out in regulation 26;
  - (e) allow any person authorised by the Controller in accordance with the Act access to the relevant site for the purposes of inspections or conducting an investigation;
  - (f) at all times-
    - (i) comply with the **Act** and these Regulations; and
    - (ii) carry out legitimate instructions from the Controller;
  - (g) if so instructed, submit to the Controller on a date and in the manner specified in the instruction-
    - (i) information necessary for the regulation of prices of petroleum products;

- (ii) data on petroleum products purchased or sold during a specified period and stock levels of the petroleum products;
- (iii) information relating to progress in complying with the objectives of the Charter; and
- (iv) any other information that might be required for regulatory purposes.

(4) 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.

(5) A corresponding 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.

(6) A licensed retailer must not allow self-service by consumers of petroleum products on the premises of the licensed retailer.

(7) A retail licence is not transferable.

### **Temporary retail licence**

23. (1) A temporary retail licence may be issued only in respect of a licensed retailing activity upon the payment, by the applicant, of the temporary retail licence fee determined in Annexure B into the relevant regional bank account.

(2) An application for a temporary retail licence must be made to the Controller on an application form in the form contained in Annexure A and must—

- (a) be in writing;
- (b) only be in respect of a licensed retailing activity;

- (e) include proof of hardship that would result if the licensed activity ceased to be licensed;
- (d) be accompanied by a certified copy of the original licence certificate;
- (e) be accompanied by a certified copy of the applicant's identity document if the applicant is a natural person; and
- (f) be accompanied by a certified copy of the business entity's registration documents.

(3) The Controller may set special conditions for a temporary retail licence according to the circumstances presented in the application contemplated in subregulation (2).

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

24. (1) A licensed retailer must commence with retailing activities at the corresponding licensed site within a period of 12 months after the date on which a retail licence is issued to the licensee, failing which the licence shall lapse.

(2) The Controller may, upon application in writing, extend the period of time contemplated in subregulation (1) for a consecutive period of six months for a total period not exceeding 18 months.

(3) The Controller may request the information necessary from the applicant, concerning an application contemplated in subregulation (2).

#### **Documents to be submitted in support of retail licence application**

25. (1) An applicant for a retail licence in respect of whom section 2D of the Act is not applicable, must submit—

- (a) a motivation for the retailing activity;

- (b) a certified copy of the applicant's identity document if the applicant is a natural person 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 the business entity's registration documents, if the applicant is a corporate entity or a trust;
- (d) in the case of an application made by a natural person claiming to be a historically disadvantaged South African, a declaration by that person to that effect;
- (e) the net present value calculation, including-
  - (i) the result of the net present value calculation; and
  - (ii) all data and assumptions used in the calculation of the net present value;
- (f) a declaration by the applicant stating that the applicant is not owned in any way by a licensed wholesaler;
- (g) in the case of an application made by a non-natural person, a declaration on the extent of ownership of the business by historically disadvantaged South Africans as defined in the Charter; and
- (h) in the case of a retail business owned by a licensed wholesaler for training purposes, a declaration by the licensed wholesaler stating that the licensed retailing activity will be used for training purposes.

(2) An applicant for a retail licence in respect of whom section 2D of the Act is applicable, must submit –

- (a) a certified copy of the applicant's identity document if the applicant is a natural person 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 the business entity's registration documents, if the applicant is a corporate entity or a trust;
- (c) in the case of an application made by a natural person claiming to be a historically disadvantaged South African, a declaration by that person to that effect;
- (d) in the case of an application made by a non-natural person, a declaration on the extent of ownership of the business by historically disadvantaged South Africans as defined in the Charter;
- (e) a declaration by the applicant stating that the applicant is in compliance with the Act, these Regulations and all other national, provincial and local government laws applicable for the operation of the activity concerned; and
- (f) In the case of a retail business owned by a licensed wholesaler for training purposes, a declaration by the licensed wholesaler stating that the licensed retailing activity will be used for training purposes.

#### **Information to be submitted annually to Controller by licensed retailer**

**26. (1)** A licensed retailer must submit to the Controller, not later than the end of February of each year, on a form in the form contained in Annexure A, the following information in respect of the preceding calendar year:

- (a) A declaration that the ownership of the licensed activity has not changed;
- (b) the volumes of each type of petroleum product sold;

- (c) the number of employees distinguished by race, gender and disability;
- (d) progress and an updated plan in respect of compliance with the objectives of the Charter;
- (e) with regard to training of persons in the employ of the licensed retailer, a report on-
  - (i) the number of them trained in general; and
  - (ii) the number and title of qualifications obtained by them which are accredited by the South African Qualifications Authority established in terms of the National Qualifications Framework Act, 1995 (Act No. 58 of 1995).; and
- (f) a declaration that the retail licence is not held directly or indirectly by a licensed wholesaler.

### **CHAPTER 3 GENERAL PROVISIONS**

#### **Application for duplicate site or retail licence**

27. (1) When a site or retail licence has been lost, damaged or destroyed the licensee must apply to the Controller for a duplicate thereof.

(2) An application contemplated in subregulation (1) must be accompanied by -

- (a) an affidavit stating the reason or reasons for the application;
- (b) the applicant's identity number or the business entity's registration number, as the case may be, and the number of the lost, damaged or destroyed licence; and

- (c) proof of payment of the duplicate licence fee determined in Annexure B.

### **Surrender of licence**

**28.** A licensee may at any time, by written notice, surrender a licence to the Controller.

### **Suspension or cancellation of licence**

**29. (1)** If a licensee fails to comply with any provision of the Act or these Regulations, the Controller may, notwithstanding any other penalty that may be imposed under the Act or any other law, and subject to subregulation (2), cancel or suspend the licence.

**(2)** The Controller may not cancel or suspend a licence unless-

**(a)** the licensee has been informed in writing of the intention to cancel or suspend such licence by-

(i) setting out the particulars of the alleged such failure or contravention; and

(ii) calling upon the licensee to make the representations to the Controller that may be necessary within 30 days after the date of that notice;

**(b)** the Controller has considered-

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

(ii) any other relevant matters submitted by way of representations contemplated in paragraph (a)(ii).

### Termination of a licence

30. **(1)** A licence ceases to be valid if-

- (a) the licence is surrendered to the Controller;
- (b) the licence is cancelled by the Controller in accordance with regulation 29(2); or
- (c) the licensed activity is no longer a going concern.

**(2)** 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 in which the licensee is informed that the licence is no longer valid.

### Decision-making by Controller

31. (1) The Controller must make any decision required to be made by the Controller in these Regulations, within a period of 90 days: Provided that-

- (a) in the case of an application for a licence by an applicant in respect of whom section 2D of the Act is applicable, the period commences from the date of acceptance of the application;
- (b) in the case of an application for a licence by an applicant in respect of whom section 2D of the Act is not applicable, the period must commence from the date of receipt of the proof of publication of the notice contemplated in regulation 4(5) and regulation 16(5); and
- (c) in the first six months after the commencement of these Regulations, the period is 250 days.

### **Refusal to issue licence**

32. If the Controller declines to issue any licence that may be issued under these Regulations, the applicant must be informed in writing, with reasons, of that decision.

### **Appeals**

33. The period contemplated in section 12A(3) of the Act is 90 days.

### **False Declarations**

34. The Controller may revoke or amend any decision or the award of any licence that was influenced by a false declaration, including any material non-disclosure in accordance with regulation 29(2).

### **Additional Information**

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

36. The Controller may request additional information from a licensee that may be necessary for regulatory purposes.

### **Amendment of licence**

37. (1) A licensee may apply, in writing, to the Controller for a licence to be amended by-

- (a) specifying the amendment sought; and
- (b) setting out the reasons for the amendment sought.

(2) The Controller must consider the request contemplated in subregulation (1) and may issue an amended licence provided that-

- (a) the amendment will not affect any rights, debts, liabilities or obligations of the licensee, nor render defective any legal proceedings by or against the licensee, and any legal proceedings that could have been continued or commenced by or against the licensee prior to such change; and
- (b) the applicant has paid the amendment licence fee determined in Annexure B.

#### **Ownership of licence**

38. Any licence issued in terms of these Regulations-

- (a) remains the property of the Department of Minerals and Energy;
- (b) may be cancelled or suspended at any time subject to Regulation 29.
- (c) may not be tempered with or defaced in any manner; and
- (d) may not be altered in any manner.

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

39. The Controller must, not later than 12 months after the commencement of the Amendment Act, and thereafter the end of June and December of each year, within 30 days of the end of those months, publish data on-

- (a) valid retail licences;
- (b) valid site licences;
- (c) the number of valid retail licences held by historically disadvantaged South Africans;

- (d) the number of retail licences issued in the calendar year concerned;
- (e) the number of lapsed retail licences in the calendar year concerned;
- (f) the number of valid site licences;
- (g) the number of valid site licences held by historically disadvantaged South Africans;
- (h) the number of site licences issued in the calendar year concerned; and
- (i) the number of lapsed site licences in the calendar year concerned.

## ANNEXURE A: FORMS





**the dme**

Department:  
Minerals and Energy  
REPUBLIC OF SOUTH AFRICA

**APPLICATION FOR SITE OR RETAIL LICENCE**

PETROLEUM PRODUCTS ACT 120 OF 1977 AS AMENDED - PETROLEUM PRODUCTS SITE AND RETAIL LICENCE REGULATIONS 2006

<p><b>INSTRUCTIONS</b></p> <p>1. READ REGULATIONS BEFORE COMPLETING THIS APPLICATION FORM.</p> <p>2. USE CAPITAL LETTERS AND WHERE APPLICABLE MARK WITH A ☒.</p> <p>3. USE A SEPARATE FORM FOR EACH LICENCE APPLICATION.</p> <p>4. INDICATE TYPE OF LICENCE YOU ARE APPLYING FOR  <input type="checkbox"/> SITE LICENCE                      <input type="checkbox"/> RETAIL LICENCE</p> <p>5. INDICATE IF APPLICATION IS FOR AN EXISTING OPERATION (CONVERSION LICENCE) OR A NEW OPERATION APPLICATION.  <input type="checkbox"/> CONVERSION LICENCE      <input type="checkbox"/> NEW LICENCE</p>	<p><b>OFFICIAL USE ONLY</b></p> <p><b>SITE LICENCE NUMBER</b></p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>/</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> <p><b>RETAIL LICENCE NUMBER</b></p> <table border="1" style="width: 100%; text-align: center;"> <tr> <td>/</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>	/																					/																				
/																																											
/																																											

**SECTION 1: APPLICANTS DETAILS (COMPLETE FOR SITE AND RETAIL LICENCE APPLICATIONS)**

REGISTERED NAME IN FULL

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

TRADE NAME IN FULL

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--


POSTAL CODE

--	--	--	--

PHYSICAL ADDRESS OF REGISTERED OFFICE


POSTAL CODE

--	--	--	--

BUSINESS TEL NO. (INCLUDE CODE)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

MOBILE PHONE NUMBER

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

FAX NO. (INCLUDE CODE)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

E-MAIL ADDRESS

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--





**SITE LICENCE NO. (IF ISSUED)**

Note: Where a new retailer applies for a retail licence to replace an existing retailer, in such a case please enter the site licence number.

	/						/				
--	---	--	--	--	--	--	---	--	--	--	--

VOLUMES (LITRES) SOLD IN LAST CALENDAR YEAR, (For retailing operations that existed before the 31 March 2006)

PETROL

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

DIESEL

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

ILLUMINATING PARAFFIN

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

ENTER PROJECTED VOLUMES (FOR NEW RETAILING OPERATIONS AS INDICATED IN THE N W SUBMITTED)

PETROL

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

DIESEL

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

ILLUMINATING PARAFFIN

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**DOCUMENTS TO BE ATTACHED FOR A NEW SITE LICENCE APPLICATION**

<p>1. A motivation for the site.</p>
<p>2. A certified copy of the applicant's identity document, if the applicant is a natural person, 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.</p> <p style="text-align: center;">OR</p> <p>a certified copy of the business entity's registration documents, if the applicant is a corporate entity or a trust.</p>
<p>3. A certified copy of the land use-zoning certificate issued by a competent authority, authorising retailing from the site.</p>
<p>4. A certified copy The Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, 1989 (Act No. 73 of 1989), permitting retailing operations on the site.</p>
<p>5. A Certified copy of, in the case of-</p> <p style="padding-left: 20px;">a. An owner, the title deed to the land on which the site is located.</p> <p style="text-align: center;">OR</p> <p style="padding-left: 20px;">b. Publicly owned land, the written permission of the landowner.</p>
<p>6. The 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.</p>
<p>7. If necessary, the original or certified copy of a declaration by the applicant giving reasons why any attachment required is not provided.</p>

**DOCUMENTS TO BE ATTACHED FOR CONVERSION SITE LICENCE APPLICATION**

1. A certified copy of the applicant's identity document, if the applicant is a natural person, 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.

**OR**

a certified copy of the business entity's registration documents, if the applicant is a corporate entity or a trust.

2. Certified copy of, in the case of-

a. An owner, the title deed to the land on which the site is located.

**OR**

b. Publicly owned land, the written permission of the land owner.

**OR**

c. A lease agreement or an offer to purchase the site or an offer to lease the site.

3. A declaration by the applicant stating that the applicant is in compliance with the Act, the referred Regulations and all other national, provincial and local government laws applicable for the operation of the activity concerned, including but not limited to laws relating to labour, safety, hazardous substances, security, health and the environment.

4. If retailing operations were being conducted on the site at the commencement of the Amendment Act's, a declaration by the applicant to that effect.

5. If the applicant is in the process of developing a site at the commencement of the Amendment Acts, a statement signed by the appropriate building inspector or other competent authority stating-

- a. the date on which building plans for the site were approved by the appropriate authorities, and  
b. that construction in accordance therewith had begun at the commencement of the Amendment Acts.

6. If necessary, the original or certified copy of a declaration by the applicant giving reasons why any attachment required is not provided.

**DOCUMENTS TO BE ATTACHED FOR A NEW RETAIL LICENCE APPLICATION**

1. A motivation for the retailing activity.

2. A certified copy of the applicant's identity document, if the applicant is a natural person, 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.

**OR**

a certified copy of the business entity's registration documents, if the applicant is a corporate entity or a trust.

3. In the case of an application made by a natural person claiming to be a historically disadvantaged South African, a declaration by that person to that effect.

4. The net present value calculation including-

- the result of the net present value calculation, and
- all data and assumptions used in the calculation of the net present value.

5. A declaration by the applicant stating that the applicant is not owned in any way by a licensed wholesaler.

6. In the case of an application made by a juristic person, a declaration on the extent of ownership of the business by historically disadvantaged South Africans as defined in the Charter.

7. In the case of a retail business owned by a licensed wholesaler for training purposes, declaration by the licensed wholesaler stating that the licensed retailing activity will be used for training purposes.

8. If necessary, the original or certified copy of a declaration by the applicant giving reasons why any attachment required is not provided.

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

1. A certified copy of the applicant's identification documents, if the applicant is a natural person, and in the case of a non-South African citizen, a permanent residence permit or employment permit, if applicable, and proof of domicile in South Africa in the case of a natural person.

OR

A certified copy of the business entity's registration documents, if the applicant is a corporate body or a trust.

2. In the case of an application made by a natural person claiming to be a historically disadvantaged South African, a declaration by that person to that effect.

3. In the case of an application made by a juristic person, on the extent of ownership of the business by historically disadvantaged South Africans as defined in the Charter.

4. A declaration by the applicant stating that the applicant is in compliance with the Act, these Regulations and all other applicable national, provincial and local government laws, including but not limited to laws relating to labour, safety, hazardous substances, security, health and the environment.

5. A declaration by the applicant stating that the applicant is not owned in any way by a licensed wholesaler.

6. In the case of a retail business owned by a licensed wholesaler, a declaration by the licensed wholesaler stating that the business will be used for retailing.

7. If necessary, the original or certified copy of a declaration by the applicant giving reasons why any attachment required is not provided.



**DECLARATION**

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

- a) I am duly authorised to make this declaration;
- b) I am the designated person responsible for this licence and any conditions attached thereto;
- c) I have read and understood the regulations related hereto, with specific reference to Regulation 34 regarding any false declaration; and
- d) all information provided herein is to the best of my knowledge true and correct.

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

.....  
Signature

I certify that the deponent-

- (a) has acknowledged that he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 before a Commissioner of Oaths 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: Help Desk**

**Contact No.: (012) 317 8982**

**Fax No.: (012) 322 8570**

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





INDICATE NUMBER OF EMPLOYEES BY RACE, GENDER AND DISABILITY

BLACK EMPLOYEES:      MALE     

   FEMALE     

   DISABLED     

COLOURED EMPLOYEES:      MALE     

   FEMALE     

   DISABLED     

INDIAN EMPLOYEES:      MALE     

   FEMALE     

   DISABLED     

WHITE EMPLOYEES:      MALE     

   FEMALE     

   DISABLED     

TOTAL NUMBER OF EMPLOYEES     

SECTION 4 COMPLETE DETAILS ON TRAINING OF LICENSEE'S EMPLOYEES

NUMBER OF EMPLOYEES TRAINED     

INDICATE TITLE AND QUALIFICATIONS OBTAINED BY EMPLOYEES

**DOCUMENTS TO BE ATTACHED TO THE SUBMISSION OF ANNUAL INFORMATION FORM**

1. A declaration that the ownership of the licensed activity has not changed.
2. A declaration that a wholesaler, with the exception of a retail activity licensed to a wholesaler for training purposes, does not own the licensed retail business.
3. Progress and an updated plan in the respect of compliance with the objectives of the Charter.
4. A declaration that the retail licence is not held directly or indirectly by a licensed wholesaler.

DECLARATION

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

- a) I am duly authorised to make this declaration;
- b) I am the designated person responsible for this licence and any conditions attached thereto;
- c) I have read and understood the regulations related hereto, with specific reference to Regulation 34 regarding any false declaration; and
- d) all information provided herein is to the best of my knowledge true and correct.

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

.....(year)

.....  
Signature

I certify that the deponent-

- (a) has acknowledged that he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 before a Commissioner of Oaths 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: Help Desk  
Contact No.: (012) 317 8982  
Fax No.: (012) 322 8570  
E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)







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

1. A certified copy of the applicant's identity document, if the applicant is a natural person, 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.

OR

a certified copy of the business entity's registration documents, if the applicant is a corporate entity or a trust.

**DECLARATION**

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

- a) I **am** duly authorised to make this declaration;
- b) I **am** the designated person responsible for this licence and any conditions attached thereto;
- c) I have read and understood the regulations related hereto, with specific reference to regulation 34 (retail licence), regulation 25 (wholesale licence) and regulation 27 (manufacturing licence) regarding any false declaration; and
- d) all information provided herein is to the best of my knowledge true and correct.

Signed at ..... ,...(place) on the ..... day of .....(month)  
 ..... (year)

.....  
 Signature

I certify that the deponent-

- (a) has acknowledged that he/she knows and understands the contents of this application form and its annexures, that he/she has no objection to taking the prescribed oath and that he/she considers the oath binding on his/her 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 before a Commissioner of Oaths 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: Help Desk  
Contact No.: (012) 317 8982  
Fax No.: (012) 322 8570  
E-Mail: [petroleum.controller@dme.gov.za](mailto:petroleum.controller@dme.gov.za)

**ANNEXURE B: LICENCE FEES**

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

Payment must be deposited into the following relevant regional account closest to the region where the application is lodged–

**Bank:** ABSA Bank  
**Account holder:** Department of Minerals and Energy Petroleum Products

Include your reference number, which will be provided by the Controller, on the deposit slip.

<b>BANK ACCOUNT NUMBER</b>	<b>ABSA BRANCH NAME</b>	<b>SPECIAL NAME</b>
40-5362-0443	Andries/Schoeman	Deposit Account- Pretoria Head Quarters
40-5916-0483	Parktown	Gauteng Sub Deposit Account
40-5916-0572	Klerksdorp	North West Sub Deposit Account
40-5916-0603	Pietersburg	Limpopo Sub Deposit Account
40-5916-0637	Kimberley	Northern Cape Sub Deposit Account
40-5916-0687	Port Elizabeth	Eastern Cape Sub Deposit Account
40-5916-0776	Heerengracht	Western Cape Sub Deposit Account
40-5916-4128	Dundee	Kwa-Zulu Natal Sub Deposit Account
40-5916-4233	Welkom	Free State Sub Deposit Account
40-5916-4275	Witbank	Mpumalanga Sub Deposit Account