

- (e) a list of all storage and distribution facilities intended to be used, including shared storage and distribution facilities, with specific reference to-
 - (i) the location;
 - (ii) the capacity;
 - (iii) the ownership, including the ownership of the land on which the storage facilities are situated, and, in the case of shared ownership, the basis of sharing; and
 - (iv) the names of other wholesalers sharing the same facilities.

(2) The information required in terms of subregulation (1)(e) must be provided in respect of the different petroleum products which are to be stored.

Documentation to be submitted to Controller upon successful application

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

- (a) submit proof of payment of the relevant licence fee determined in Annexure B to the Controller; and
- (b) in the case of a person in respect of whom section 2D of the Act is not applicable-
 - (i) submit an environmental management plan; and
 - (ii) provide proof of financial provision for the purposes of rehabilitation of the environment affected by the wholesaling activities upon cessation of such activities.

Information to be submitted annually to Controller by licensed wholesaler

17. A licensed wholesaler must submit to the Controller, in the form contained in Annexure A, not later than the end of February of each year, the following information in respect of the preceding calendar year:

- (a) A declaration that the ownership of the licensed activity has not changed;

- (c) the volumes of each type of petroleum product purchased and sold within the Republic of South Africa;
- (d) the volumes of each type of petroleum product purchased and sold outside the Republic of South Africa;
- (e) the number of employees distinguished by race, gender and disability;
- (f) information necessary for the regulation of prices of petroleum products;
- (g) progress and an updated plan in respect of compliance with the objectives of the Charter; and
- (h) with regard to training of persons in the employ of the licensed wholesaler, 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).

Application for duplicate wholesale licence

18. (1) When a wholesale licence has been lost, damaged or destroyed the licensed wholesaler 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) a certified copy of the applicant's identity document if the applicant is an individual;
 - (c) a certified copy of the business entity's registration documents, if the applicant is a corporate entity, trust or association;

- (d) the licence number of the licence that has been lost, damaged or destroyed; and
- (e) proof of payment of the duplicate licence fee determined in Annexure B.

Surrender of licence

19. A licensed wholesaler may, at any time, by written notice surrender a licence to the Controller.

Suspension and cancellation of licence

20. (1) If a licensed wholesaler fails to comply with any provision of the Act or these Regulations, or any condition of a licence, or contravenes any such provision or condition, the Controller may, notwithstanding any other penalty, which may be imposed under the Act or any other law, and subject to subregulation (2), suspend or cancel the licence.

- (2) The Controller may not suspend or cancel a licence unless -
 - (a) the licensed wholesaler has been informed in writing of the intention to cancel or suspend such licence—
 - (i) setting out the particulars of the alleged failure or contravention; and
 - (ii) calling upon the licensed wholesaler 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 licensed wholesaler to remedy the alleged failure or contravention concerned or to prevent any such failure or contravention from being repeated; and
 - (ii) any other relevant matter submitted by way of the representations contemplated in paragraph (a)(ii).

Termination of licence

21. (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 20(2); or
 - (c) the licensed activity is no longer a going concern.

(2) If a licence has ceased to be valid, the licensed wholesaler must surrender the licence to the Controller within a period of 14 days, from the date of receipt of the notification in which the licensed wholesaler is informed that the licence is no longer valid.

Decision-making by Controller

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

(1) 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;

(2) 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 proof of publication of the notice as contemplated in regulation 4(5); and

(3) in the first six months after the commencement of these Regulations, the period is 250 days.

Refusal to issue licence

23. 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

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

False declarations

25. 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 20(2).

Additional information

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

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

Publication of data by Controller

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

- (a) the number of valid wholesale licences;
- (b) the number of valid wholesale licences held by historically disadvantaged South Africans;
- (c) the number of wholesale licences issued in the calendar year concerned;
- (d) the number of lapsed wholesale licences in the calendar year concerned; and
- (e) the licence numbers of all valid licences.

ANNEXURE A: FORMS

DOCUMENTS TO BE ATTACHED WITH THE APPLICATION FOR A WHOLESALE LICENCE

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. A declaration by the applicant stating that the applicant is in compliance with the Charter or a statement of its plans to meet the requirements of the Charter.
3. A declaration by the applicant, who qualifies in terms of Section 2D of the Act, that the applicant is in compliance with all national, provincial and local government legal requirements applicable for the operation of the activity concerned that are in force at the time the application is made.
4. A list of all storage and distribution facilities intended to be used, including shared storage and distribution facilities, with specific reference to-
 - a. the location;
 - b. the capacity;
 - c. the ownership, including the ownership of the land on which the storage facilities are situated, and, in the case of shared ownership, the basis of sharing; and
 - d. the names of other wholesalers sharing the same facilities.

The information required in terms of attachment number 5 must be provided in respect of the different prescribed petroleum products which are to be stored.
5. 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 25 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 thisday 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

VOLUMES (LITRES) SOLD WITHIN THE REPUBLIC OF SOUTH AFRICA IN LAST CALENDAR YEAR

PETROL

DIESEL

ILLUMINATING
PARAFFIN

AVIATION
GASOLINE

LIQUIFIED
PETROLEUM
GAS

JET FUEL

BIOFUELS

INDICATE NUMBER OF EMPLOYEES BY RACE, GENDER AND DISABILITY

BLACK EMPLOYEES: MALE

 FEMALE

 DISABLED

COLOURED EMPLOYEES: MALE

 FEMALE

 DISABLED

DOCUMENTS TO BE ATTACHED WITH THE SUBMISSION OF THE WHOLESALE ANNUAL INFORMATION

- | |
|---|
| 1. A declaration by the licensee that the ownership of the licensed activity has not changed. |
| 2. The volumes of each prescribed petroleum products purchased and sold outside of the Republic of South Africa. |
| 3. A declaration by the applicant stating that the applicant is in compliance with all national provincial and local government legal requirements. |
| 4. The volumes of each prescribed petroleum products purchased and sold outside of the Republic of South Africa. |
| 5. A progress and an updated plan in the respect of complying with the objectives of the Charter. |
| 6. A report on the training and the number and title of the qualifications obtained by learners employed by the 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 25 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 thisday 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
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Pretoria
0001**

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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

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 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 thisday 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:-

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Pretoria
0001**

Enquires

Contact: Help Desk
Contact No.: (012) 317 8982
Fax No.: (012) 322 8570
E-Mail: petroleum.controller@dme.gov.za

ANNEXURE B: LICENCE FEES

Wholesale licence fee	R1000
Annual wholesale licence fee	R500
Duplicate licence fee	R500
Temporary licence fee	R500
Licence amendment fee	R500

Payment must be deposited into the following relevant regional account, corresponding to the region where the licensed activity is or is anticipated to be located–

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.

Bank Account Number	ABSA Branch Name	Special Name
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

No. R. 288

27 March 2006

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

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Definitions

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

“**biofuel**” means a biodegradable and renewable petroleum product or petroleum product component extracted from vegetable matter;

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

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

(b) signed and stamped by a commissioner of oaths as contemplated in the Justices of the Peace and Commissioners 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 as 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);

“**manufacturing facility**” means any plant or equipment that is used to manufacture petroleum products;

“**permit holder**” means any person who has the written permission contemplated in section 2A(4)(a) of the Act from an owner of a property to develop a manufacturing facility;

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

“**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 manufacturing licences.

Lodging of manufacturing licence application

3. (1) An applicant for a manufacturing 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 in regulation 16.

(2) An applicant contemplated in subregulation (1) in respect of whom section 2D of the Act is not applicable must not commence with the construction of a manufacturing facility until a manufacturing licence has been issued by the Controller.

Notice of application for a manufacturing licence

4. (1) When an application for a 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 two official languages one of which must be English, in four of the most popular newspapers, two of which must be—

- (a) local newspapers circulating in the area of the proposed activity; and
 - (b) national newspapers.
- (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 manufacturing licence application

5. Before accepting a manufacturing licence application, the Controller must be satisfied that-

- (a) applicant is the owner of the property or has the written permission of the owner of the property on which the manufacturing facility is or will be located;
- (b) the application form has been completed in full; and
- (c) all the documents specified in regulation 16 have been submitted with the application form.

Evaluation of a manufacturing licence application

6. (1) In evaluating an application for any manufacturing 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 application by a person in respect of whom section 2D of the Act is not applicable, the Controller must be satisfied that-

- (a) except in the case of an application for a facility manufacturing biofuels, there is a need for additional capacity; and
- (b) must comply with section 2B(2) of the Act.

Procedure for issuing a manufacturing licence

7. The Controller must, if satisfied that an application for a manufacturing 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 licence fee determined in Annexure B into the relevant regional bank account; and
 - (ii) submit the documents contemplated in regulation 17; and

issue the manufacturing licence upon receipt of the documentation contemplated in paragraph (b)(ii).

Particulars to be included on manufacturing licence

8. A manufacturing licence must include—

- (a) the name of the licensed manufacturer;
- (b) the licence number;
- (c) the identity number or company registration number of the licensed manufacturer;

- (d) the location of the manufacturing facility as represented by the Erf, Stand or Lot number;
- (e) the maximum design capacity of the manufacturing facility;
- (f) each type of petroleum product the licensee is licensed to manufacture;
- (g) the date of issue of the licence;
- (h) the conditions of the licence; and
- (i) the Controller's signature.

Rehabilitation of property used for manufacturing activities and the environment

9. (1) An environmental management plan, approved by a competent authority or person, contemplated in regulation 17(1)(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 description of the environment likely to be affected by the proposed manufacturing activity;
 - (c) an assessment of the potential impacts of the proposed manufacturing activity on the environment, socio-economic conditions and cultural heritage, if any;
 - (d) a summary of the assessment of the significance of the potential impacts, the proposed mitigation and management measures to minimise adverse impacts;
 - (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 manufacturing activity;
- (h) the environmental objectives;
- (i) a record of public participation undertaken and the results thereof; and
- (j) an undertaking by the applicant regarding the execution of the environmental management plan.

Financial security for environmental 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 fund in the format approved by the Controller from time to time;
- (b) a financial guarantee from a South African registered bank or any other bank or 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 property and the environment;
 - (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 into or produced on the property;
- (b) decommissioning and final closure of the operation; and
- (c) post-closure management of residual and latent environmental impacts.

(4) The holder of a manufacturing 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 inadequacy 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.

Conditions with regard to manufacturing licence

11. (1) The licensed manufacturing activity must remain a going concern.

(2) A licensed manufacturer may only manufacture petroleum products within the maximum design capacity stated on its licence.

(3) A licensed manufacturer must-

- (a) maintain minimum working stock levels in compliance with applicable regulations;
- (b) if so instructed in writing by the Controller, submit to the Controller, within the period specified in the instruction, information-
 - (i) necessary for the regulation of petroleum products;
 - (ii) on petroleum products sold and crude oil stored during the period specified in the instruction;
 - (iii) on stock levels of petroleum products, in terms of applicable regulatory requirements; and
 - (iv) in respect of progress in complying with the objectives of the Charter;
- (c) at all times carry out legitimate instructions from the Controller;
- (d) comply with Charter;
- (e) submit the information set out in regulation 18;
- (f) comply with the provisions of the fuel specifications determined in regulations made under section 12C (1)(e) of the Act;
- (g) if so directed by the Controller, desist from supplying petroleum products to a licensed wholesaler or retailer that is not in compliance with the Act or the conditions of its wholesale or retail licence;

- (h) inform the Controller, in writing, of any change of address, name of the licensee or telephone number within 30 days of the relevant change taking effect; and
- (i) pay the annual licence fee determined in Annexure B before the anniversary of the date of issue of the licence.

(4) 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 22;
- (c) may not be tempered with or defaced in any manner; and
- (d) may not be altered in any manner.

Increase of capacity

12. If a licensed manufacturer wishes to increase the maximum design capacity of a manufacturing facility, that manufacturer must apply to the Controller in terms of regulation 3(1).

Display of licence

13. A manufacturing licence, or a certified copy thereof, must be prominently displayed at the place of business, where any person entering the manufacturing facility may read it.

Transfer of manufacturing licence

14. (1) If the ownership of the relevant property or the manufacturing activity changes, a licensed manufacturer must within six months of the change apply to the Controller for an amendment to the licence.

(2) In the event of a transfer of a manufacturing licence, these Regulations shall apply, subject to the necessary changes.

Commencement and continuation of business under manufacturing licence

15. A licensed manufacturer must commence with the construction or expansion of a manufacturing facility within a period of 24 months after the date on which a manufacturing licence has been issued to the licensee, failing which the licence shall lapse.

Documents to be submitted in support of manufacturing licence application

16. (1) An applicant for a manufacturing licence must submit—
- (a) in the case of an applicant in respect of whom section 2D of the Act is not applicable, a motivation for the manufacturing activity;
 - (b) a certified copy of the title deed of the property on which the manufacturing facility is located or is proposed to be located and where applicable, the written permission of the owner of the property on which the manufacturing facility is located or is proposed to be located;
 - (c) 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;
 - (d) a certified copy of the business entity's registration documents, if the applicant is a corporate entity or a trust;
 - (e) a declaration by the applicant of compliance with the Charter or a statement of the applicant's plans to meet the requirements of the Charter;

- (f) in the case of an application made by an applicant in respect of whom section 2D of the Act is not applicable, certified copies of-
 - (i) the land use zoning certificate issued by a competent authority, authorising the manufacturing activity on the property; and
 - (ii) the Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, 1989 (Act No. 73 of 1989), permitting manufacturing operations on the property; and
- (g) 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.

Documentation to be submitted to Controller upon successful application

17. (1) When an application has been successful, and upon request from the Controller, the applicant must-
- (a) submit proof of payment of the relevant licence fee determined in Annexure B to the Controller; and
 - (b) in the case of an applicant in respect of whom section 2D of the Act is not applicable-
 - (i) submit an environmental management plan; and
 - (ii) provide proof of financial provision for the purposes of rehabilitation of the environment affected by the manufacturing activities upon cessation of such activities.

Information to be submitted annually to Controller by licensed manufacturer

18. (1) A licensed manufacturer 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 manufactured;
- (c) the volumes of each petroleum product sold to-
 - (i) licensed wholesalers; and
 - (ii) licensed retailers;
- (d) the volumes of each type petroleum product purchased from licensed wholesalers.
- (e) the volumes of each type petroleum product purchased or sold outside the Republic of South Africa;
- (f) the number of employees by race, gender and disability;
- (g) progress and an updated plan in respect of compliance with the objectives of the Charter;
- (h) with regard to training of persons in the employ of the licensed manufacturer, 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).

Amendment of licence

19. (1) A licensed manufacturer 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 licensed manufacturer prior to such change; and
- (b) the applicant has paid the amendment licence fee determined in Annexure B; and
- (c) the obligations in regulation 15 are enforced.

Application for duplicate licence

20. (1) When a manufacturing licence has been lost, damaged or destroyed the licensed manufacturer 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) a certified copy of the applicant's identity document if the applicant is an individual;
- (c) a certified copy of the business entity's registration documents, if the applicant is a corporate entity, trust or association;

- (d) the licence number of the licence that has been lost, damaged or destroyed; and
- (e) proof of payment of the duplicate licence fee determined in Annexure B.

Surrender of licence

21. A licensed manufacturer may at any time, by written notice, surrender a licence to the Controller.

Suspension or cancellation of licence

22. (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 failure or contravention; and
 - (ii) calling upon the licensed manufacturer 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 recurring; and
 - (ii) any other relevant matter submitted by way of representations contemplated in paragraph (a)(ii).

Termination of licence

23. (1) A licence ceases to be valid if-
- (a) the licence is surrendered to the Controller;
the licence is cancelled by the Controller in accordance with regulation 22(2); or
 - (b) the licensed activity is no longer a going concern.

(2) If a licence has ceased to be valid, the licensed manufacturer must surrender the licence to the Controller within a period of 14 days from the date of receipt of the notification in which the licensed manufacturer is informed that the licence is no longer valid.

Decision-making by Controller

24. (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 commences from the date of receipt of the proof of publication of the notice contemplated in regulation 4(5); and
 - (c) in the first six months after the commencement of these Regulations, the period is 250 days.

Refusal to issue licence

25. 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

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

False Declarations

27. 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 22(2).

Additional Information

28. (1) 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 or the continued validity of that licence thereafter.

(2) The Controller may request additional information from a licensed manufacturer that may be necessary for regulatory purposes.

Publication of data by the Controller

29. (1) The Controller must, not later than 12 months after the commencement of the Amendment Acts, 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 manufacturing licences;
- (b) valid manufacturing licences held by historically disadvantaged South Africans;

- (c) new manufacturing licences issued; and
- (d) suspended, terminated or surrendered manufacturing licences.

ANNEXURE A: FORMS

DOCUMENTS TO BE ATTACHED WITH THE APPLICATION FOR A MANUFACTURING LICENCE

1. In the case of an application made by an applicant who does not qualify in terms of section 2D of the Act, a motivation for the manufacturing activity.

2. A certified copy of the title deed of the property on which the manufacturing facility is located or is proposed to be located and where applicable, the written permission of the owner of the property on which the manufacturing facility is located or is proposed to be located.

3. 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.

4. A declaration by the applicant stating that the applicant is in compliance with the Charter or a statement of its plans to meet the requirements of the Charter.

5. In the case of an application made by an applicant who does not qualify in terms of section 2D of the Act, certified copies of-

a. the land use zoning certificate issued by a competent authority, authorising the manufacturing activity on the property.

and

b. the Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, 1989 (Act No. 73 of 1989), as amended or the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, permitting manufacturing operations on the property.

6. 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 environment.

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 27 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 thisday 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

VOLUMES (LITRES) SOLD OUTSIDE THE REPUBLIC OF SOUTH AFRICA IN LAST CALENDAR YEAR

PETROL

DIESEL

ILLUMINATING
PARAFFIN

AVIATION
GASOLINE

LIQUIFIED
PETROLEUM
GAS

JET FUEL

BIOFUELS

INDICATE NUMBER OF EMPLOYEES BY RACE, GENDER AND DISABILITY

BLACK EMPLOYEES: MALE

FEMALE

DISABLED

COLOURED EMPLOYEES: MALE

FEMALE

DISABLED

DOCUMENTS TO BE ATTACHED WITH THE SUBMISSION OF THE MANUFACTURING ANNUAL INFORMATION

1. A declaration by the licensee that the ownership of the licensed activity has not changed.
2. The volumes of each petroleum product manufactured.
3. The volumes of each petroleum product sold, within the Republic of South Africa, to- a. licensed wholesalers, and b. licensed retailers.
4. The volumes of each petroleum product purchased from licensed wholesalers.
5. Progress and an updated plan in the respect of complying with the objectives of the Charter.
6. A report on the training and the number and title of the qualifications obtained by learners employed by the licensee.

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 27 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 thisday 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.

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Pretoria
0001**

Enquires

Contact: Help Desk
Contact No.: (012) 317 8982
Fax No.: (012) 322 8570
E-Mail: 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 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 thisday of(month).....(year).

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Enquires

Contact: Help Desk
Contact No.: (012) 317 8982
Fax No.: (012) 322 8570
E-Mail: petroleum.controller@dme.gov.za

ANNEXURE B: LICENCE FEES

Manufacturing licence fee for a manufacturing facility in respect of which section 2D of the Act is applicable	R 1 000
Manufacturing licence fee for a manufacturing facility in respect of which section 2D of the Act is not applicable in respect of petroleum products manufactured from any hydrocarbon including petroleum, crude oil, natural gas, natural gas liquids, or coal or any combination thereof	R 10 000
Annual manufacturing licence fee in respect of petroleum products manufactured from any hydrocarbon including petroleum, crude oil, natural gas, natural gas liquids, or coal or any combination thereof	R5 000
Annual manufacturing licence fee in respect of petroleum products manufactured from other raw materials	R 500
Duplicate licence fee	R 500
Amendment licence fee	R 500

Payment must be made by direct deposit into the following relevant regional account, corresponding to the region where the licensed activity is or is anticipated to be located—

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.

BANK ACCOUNT NUMBER	ABSA BRANCH NAME	SPECIAL ACCOUNT NAME
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

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