

No. R. 38

13 January 2006

**PETROLEUM PRODUCTS ACT, 1977****NOTICE OF INTENTION TO MAKE REGULATIONS REGARDING PETROLEUM PRODUCTS MANUFACTURING LICENCES**

The Minister of Minerals and Energy intends, under sections 2B, 2D, 2E and 12C of the Petroleum Products Act, 1977 (Act No. 120 of 1977), as amended by the Petroleum Products Amendment Act, 2003 (Act No. 58 of 2003), and Petroleum Products Amendment Act, 2005 (Act No. 2 of 2005), to make the regulations in the Schedule, which are hereby published for public comment under section 2E(2) of the said Act.

Comments should be submitted not later than 12h00 on 30<sup>th</sup> January 2006 to Mr. Muzi W. Mkhize at fax no. (012) 322 8570 or e-mail address [muzi.mkhize@dme.gov.za](mailto:muzi.mkhize@dme.gov.za).

Enquiries can be made at telephone number (012) 317 8646.

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## Definitions

- 1 In this Regulation 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—

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

**“biofuel”** means a biodegradable and renewable fuel or fuel 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—
  - i) Commissioner of Oaths as contemplated in the Justices of the Peace and Commissioners Oath Act, 1963 (Act No. 16 of 1963); or
  - ii) a competent authority, in the case of the Title Deeds, Environmental Impact Assessment Record of Decisions, Zoning certificates;

**“certificate of compliance”** means a written statement which states that the petroleum product meets the specifications and standards stipulated in the Regulations regarding Petroleum Products Specifications and Standards in terms of Section 12C(1)(e) of the Act;

**“Charter”** means the Charter in Schedule 1 of the Act;

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

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

**“manufacturing facility”** means plant and equipment that is used to undertake licensed manufacturing activities;

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

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**Scope of regulation**

- 2 This Regulation applies to manufacturing licences.

**Lodging of manufacturing licence application**

- 3 Any person who has to apply for a manufacturing licence, must—
- (1) complete the application form contained in Annexure A; and
  - (2) lodge that application with the Controller together with the documents specified in regulation 28.
- 4 A person contemplated in regulation 3 that does not qualify in terms of Section 2D of the Act must not commence with the construction of a manufacturing facility until a manufacturing licence has been issued by the Controller.
- 5 When lodging an application contemplated in regulation 3, an applicant that does not qualify in terms of Section 2D of the Act, must have published, in a prominent manner, in two official languages one of which must be English, a notice of the application in four of the most popular newspapers, two of which must be—
- (1) local newspapers circulating in the area of the proposed activity; and
  - (2) national newspapers.
- 6 The notice must state—
- (1) the name of the applicant;
  - (2) the object of the application;
  - (3) the place where the application will be available for inspection by any member of the public;
  - (4) the period within which any objections to the issuing of the licence may be lodged with the Controller; and
  - (5) the address of the Controller where any objections may be lodged.
- 7 The period contemplated in subregulation 6(4) must be 14 days from the date of publication of the notice.