

Zimbabwe

## Petroleum Act

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## Table of Contents

Petroleum Act	4
Chapter 13:22	4
Part I – Preliminary	4
1. Short title and date of commencement	4
2. Interpretation	4
Part II – Establishment and functions of Petroleum Regulatory Authority	5
3. Functions under this Act to be performed by Zimbabwe Energy Regulatory Authority and Board thereof	5
4. Functions and powers of Authority	5
Part III – Petroleum Regulatory Authority Board	6
5. ***	6
6. ***	6
7. ***	6
8. ***	6
9. ***	6
10. ***	6
11. ***	6
12. ***	6
13. ***	6
14. ***	7
15. ***	7
16. ***	7
17. ***	7
18. ***	7
Part IV – Financial provisions	7
19. ***	7
20. Investment of moneys in Petroleum Account not immediately required by Authority	7
21. ***	7
22. ***	7
23. ***	7
24. ***	7
Part V – Miscellaneous provisions relating to Authority	7
25. ***	7
26. ***	8
27. ***	8
28. ***	8
Part VI – Licences	8
29. Licensing requirement	8
30. Procurement licence	8
31. Retailing licence	8
31A. Wholesale licence	8
32. Production licence	8
33. General duties of licensees	9
34. Restriction on transfer, etc. of licence or petroleum undertaking	9
35. Licence application	9
36. Terms and conditions of licence	9
37. Renewal of licence	10
38. Amendment of licence	10
39. Enforcement of licence	10
40. Cancellation of licence	11
41. Form of licence	11
42. Register of licences	11
43. Returns by licensees	12
Part VII – Price Stabilisation Fund	12

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44. Interpretation in Part VII	12
45. Establishment of Fuel Price Stabilisation Fund	12
46. Object of Fund	12
47. Composition of the Fund	12
48. Fuel price stabilisation levy	12
49. Financial year of Fund	13
50. Books of accounts and audit of Fund	13
Part VIII – Consumer protection and licensee performance standards	13
51. Consumer protection standards	13
52. Competition	14
Part IX – Maintenance of strategic reserves and price control	14
53. Strategic reserves	14
54. Petroleum product prices	14
Part X – General	14
55. Inspections	14
56. Appeals	15
57. Regulations	16
Part XI – Offences	16
58. False statements and declarations and other offences	16
59. Disclosure of confidential information and use of information acquired by inspectors, etc., for personal gain	16
Part XII – Savings and transitional provisions	17
60. Savings and transitional provisions	17
Schedule (Section 4(2))	17

# Zimbabwe

## Petroleum Act

### Chapter 13:22

Commenced on 26 April 2010

*[Up to date as at 31 December 2016]*

*[Note: This version of the Act was revised and consolidated by the Law Development Commission of Zimbabwe]*

**To provide for the establishment of the Petroleum Regulatory Authority and its functions and management; to provide for the licensing and regulation of the petroleum industry; and to provide for matters incidental to or connected with the foregoing.**

### Part I – Preliminary

#### 1. Short title and date of commencement

- (1) This Act may be cited as the Petroleum Act *[Chapter 13:22]*
- (2) This Act shall come into operation on a date to be fixed by the President by statutory instrument.

#### 2. Interpretation

- (1) In this Act—

“**Authority**” means the Zimbabwe Energy Regulatory Authority established by section 3 of the Energy Regulatory Authority Act *[Chapter 13:23]* (Act [No. 3 of 2011](#));

*[definition substituted by Act [3 of 2011](#)]*

“**Board**” *[definition repealed by Act [3 of 2011](#)]*

“**Chief Executive Officer**” means the Chief Executive Officer of the Authority appointed in terms of section 26 of the Energy Regulatory Act *[Chapter 13:23]* (Act [No. 3 of 2011](#));

*[definition substituted by Act [3 of 2011](#)]*

“**fixed date**” means the date fixed in terms of [section 1\(2\)](#) as the date of commencement of this Act;

“**inspector**” means an employee of the Authority appointed to be an inspector in terms of [section 55](#);

“**licence**” means a procurement, wholesale, retailing or production licence issued in terms of Part VI;

*[definition substituted by Act [3 of 2011](#)]*

“**licensee**” means a person who holds a valid licence;

“**member**” means a member of the Board;

“**Minister**” means the Minister of Energy and Power Development or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“**NOCZIM**” means the State petroleum company called the National Oil Company of Zimbabwe (Private) Limited;

“**petroleum company**” means a company incorporated or registered in terms of the Companies Act *[Chapter 24:03]* that is licensed in terms of Part VI;

“**petroleum product**” means—

- (a) petrol; or
- (b) the fuel designed for use in a compression-ignition engine, commonly known as diesel fuel or any derivatives or substitutes thereof; or
- (c) any refined petroleum capable of being used as a motor spirit; or
- (d) illuminating paraffin; or
- (e) aviation fuel; or
- (f) power paraffin; or
- (g) liquid petroleum gas; or
- (h) lubricants that are procured, sold or produced as by-products of any of the foregoing;

“**petroleum undertaking**” means any activity of a licensee undertaken in connection with the procurement, supply or production of any petroleum product;

“**procure**” means to procure otherwise than for personal use;

“**statutory body**” means—

- (a) any commission established by the Constitution; or
- (b) any body corporate established directly by or under an Act for special purposes specified in that Act, the membership of which consists wholly or mainly of persons appointed by the President, a Vice-President, a Minister or any statutory body;

or by a commission established by the Constitution;

“**Zimbabwe Energy Regulatory Authority Board**” or “**Board**” means the Zimbabwe Energy Regulatory Authority Board referred to in section 5 of the Energy Regulatory Authority Act [*Chapter 13:23*] (Act No. 3 of 2011).

[*definition inserted by Act 3 of 2011*]

## Part II – Establishment and functions of Petroleum Regulatory Authority

### 3. Functions under this Act to be performed by Zimbabwe Energy Regulatory Authority and Board thereof

The Zimbabwe Energy Regulatory Authority and the Zimbabwe Energy Regulatory Authority Board shall perform all functions which, in terms of this Act, were performed by the Petroleum Regulatory Commission established by [section 3](#) of this Act and the Petroleum Regulatory Authority Board referred to in [section 5](#) of this Act before their substitution or repeal by the Energy Regulatory Authority Act [*Chapter 13:23*] (Act No. 3 of 2011).

[*section substituted by Act 3 of 2011*]

### 4. Functions and powers of Authority

- (1) Subject to this Act, the functions of the Authority shall be—
  - (a) to ensure the provision of sufficient petroleum products for domestic use;
  - (b) to promote the development of the procurement, sale and production of petroleum products in accordance with practicable recognised international standards and public demand;
  - (c) to exercise regulatory functions in respect of the procurement, sale and production of petroleum products in Zimbabwe, including the establishment of standards and codes relating to equipment connected with the procurement, sale and production;

- (d) to promote the interests of consumers, purchasers and other users in respect of the quality and variety of petroleum products provided;
  - (e) to maintain and promote effective competition between persons engaged in the petroleum industry;
  - (f) to encourage the expansion of the petroleum industry;
  - (g) to further the advancement of technology relating to the petroleum industry;
  - (h) to represent Zimbabwe internationally in matters relating to the petroleum industry;
  - (i) to advise the Minister on all matters relating to the petroleum industry.
- (2) *[subsection repealed by Act 3 of 2011]*
- (3) *[subsection repealed by Act 3 of 2011]*

### **Part III – Petroleum Regulatory Authority Board**

*[Part III repealed by Act 3 of 2011]*

**5. \*\*\***

*[section repealed by Act 3 of 2011]*

**6. \*\*\***

*[section repealed by Act 3 of 2011]*

**7. \*\*\***

*[section repealed by Act 3 of 2011]*

**8. \*\*\***

*[section repealed by Act 3 of 2011]*

**9. \*\*\***

*[section repealed by Act 3 of 2011]*

**10. \*\*\***

*[section repealed by Act 3 of 2011]*

**11. \*\*\***

*[section repealed by Act 3 of 2011]*

**12. \*\*\***

*[section repealed by Act 3 of 2011]*

**13. \*\*\***

*[section repealed by Act 3 of 2011]*

**14. \*\*\***

*[section repealed by Act 3 of 2011]*

**15. \*\*\***

*[section repealed by Act 3 of 2011]*

**16. \*\*\***

*[section repealed by Act 3 of 2011]*

**17. \*\*\***

*[section repealed by Act 3 of 2011]*

**18. \*\*\***

*[section repealed by Act 3 of 2011]*

#### **Part IV – Financial provisions**

**19. \*\*\***

*[section repealed by Act 3 of 2011]*

**20. Investment of moneys in Petroleum Account not immediately required by Authority**

Moneys standing to the credit of the Petroleum Account referred to in section 18(2)(b) of the Energy Regulatory Authority Act [Chapter 13:23] (Act No. 3 of 2011), may be invested in such manner as the Authority considers appropriate.

*[section substituted by Act 3 of 2011]*

**21. \*\*\***

*[section repealed by Act 3 of 2011]*

**22. \*\*\***

*[section repealed by Act 3 of 2011]*

**23. \*\*\***

*[section repealed by Act 3 of 2011]*

**24. \*\*\***

*[section repealed by Act 3 of 2011]*

#### **Part V – Miscellaneous provisions relating to Authority**

*[Part V repealed by Act 3 of 2011]*

**25. \*\*\***

*[section repealed by Act 3 of 2011]*

**26. \*\*\***

*[section repealed by Act 3 of 2011].*

**27. \*\*\***

*[section repealed by Act 3 of 2011]*

**28. \*\*\***

*[section repealed by Act 3 of 2011]*

## **Part VI – Licences**

### **29. Licensing requirement**

- (1) No person other than a petroleum company licensed under this Part shall procure, sell or produce any petroleum product.
- (2) Any person who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

### **30. Procurement licence**

- (1) Subject to such terms and conditions as the Authority may fix in the licence, a procurement licence shall authorise the licensee to purchase fuel for the purpose of reselling it in bulk to one or more licensees.
- (2) A procurement licensee shall sell petroleum products in an open, transparent and competitive manner unless the circumstances require otherwise or the Authority allows or requires an alternative method of sale.

### **31. Retailing licence**

- (1) A retailing licence shall authorise the licensee to supply petroleum products to customers.
- (2) A retailing licensee shall purchase petroleum products for resale from a procurement or production licensee and all purchases and sales of petroleum products by the licensee shall be done in an open, transparent and competitive manner.

### **31A. Wholesale licence**

- (1) A wholesale licence shall authorise the licensee to purchase bulk petroleum products from any procurement licensee and production licensee.
- (2) A wholesale licence shall supply petroleum products to retailing licensees.

*[section inserted by Act 3 of 2011]*

### **32. Production licence**

- (1) A production licence shall authorise the licensee to construct, own, operate and maintain facilities for the production of petroleum products.
- (2) A production licensee may supply petroleum products to any procurement or retailing licensee and, with

the approval of the Authority, to any one or more customers.

### 33. General duties of licensees

- (1) A licensee shall comply with the provisions of its licence, any regulations made in terms of this Act and any code of conduct or standard issued by the Authority from time to time.
- (2) Subject to the terms and conditions of its licence, it shall be the duty of every licensee to provide its licensed services efficiently and maintain an efficient and economic procurement, supply or production system, as the case may be.

### 34. Restriction on transfer, etc. of licence or petroleum undertaking

A licensee shall not assign or cede its licence or transfer its petroleum undertaking, or any part thereof, by way of sale, lease, exchange or otherwise, without the prior consent of the Authority:

Provided that, should the Authority determine that in any instance the circumstances so require, it may fix licence terms and conditions providing its specific or general consent to the transfer of the licence or any petroleum undertaking covered by the licence.

### 35. Licence application

- (1) An application for a licence shall be made to the Authority in the form and manner prescribed and accompanied by the prescribed fee, if any, and such information or documents as may be prescribed or as the Authority may require.
- (2) An application submitted in terms of subsection (1) shall be acknowledged by the Authority within sixty days of its submission to the Authority.
- (3) Subject to subsection (6), if, on consideration of an application in terms of subsection (1), the Authority is satisfied that—
  - (a) the applicant will comply with this Act and with the applicable licence terms and conditions for the petroleum undertaking to be operated by the applicant; and
  - (b) the grant of the licence does not infringe the rights of any other licensees; and
  - (c) the grant of a licence is in the public interest; the Authority shall issue the appropriate licence to the applicant.
- (4) Within thirty days after the issue of a licence referred to in subsection (3) the licensee shall, at its own expense, cause the licence to be published in the Government *Gazette* and in a newspaper circulating in the area in which it intends to operate.
- (5) If, on consideration of an application in terms of subsection (1) the Authority is not satisfied as to the matters referred to in subsection (3) it shall refuse to issue a licence to the applicant concerned:

Provided that—

- (a) before so refusing, the Authority shall notify the applicant in writing of its intention to do so and shall afford the applicant an adequate opportunity to make representations in the matter;
  - (b) within twenty days after its refusal to issue a licence on any ground, the Authority shall notify the applicant in writing of its decision and of the reasons for it.
- (6) The period between the Authority's receipt of an application in terms of subsection (1) and all documents and information submitted in support of it, and the date on which it notifies the applicant of its final decision, shall not exceed six months unless the applicant contents to an extension of the period.

### 36. Terms and conditions of licence

- (1) A licence shall be issued subject to such terms and conditions as may be prescribed or as the Authority may reasonably determine in the circumstances.
- (2) Without derogation from the generality of subsection (1), the terms and conditions of a licence may require the licensee to-
  - (a) enter into agreements on specified terms with other persons for the provision of or use of tankers, storage facilities and such other infrastructure and equipment as is commonly used in the petroleum industry;
  - (b) refer disputes between the licensee and any other licensee for arbitration, mediation or determination by the Authority.
- (3) There shall be in every licence a condition requiring the licensee to prepare and submit to the Authority each year an annual statement of accounts in such form, and containing such particulars, as the Authority may require.

### 37. Renewal of licence

- (1) The licensee may apply for the renewal of its licence.
- (2) An application for the renewal of a licence shall be made to the Authority in the form and manner and within the period prescribed, and be accompanied by the prescribed fee, if any.

### 38. Amendment of licence

The Authority may at any time amend a licence—

- (a) to correct any manifest error in the licence; or
- (b) if the licensee requests the amendment; or
- (c) if the amendment is made pursuant to a condition of the licence.

### 39. Enforcement of licence

- (1) Without derogation from [section 40](#), where the Authority is satisfied that a licensee is contravening, has contravened or is likely to contravene any of the conditions of its licence, the Authority may serve upon the licensee an order—
  - (a) requiring the licensee to do, or not to do, such things as are specified in the order for the purpose of rectifying or avoiding any contravention or threatened contravention of any condition of the licence; and
  - (b) stipulating the period within which any requirement referred to in paragraph (a) shall be commenced and completed;
- (2) Before serving an order in terms of subsection (1), the Authority shall serve a notice upon a licensee setting out the proposed order and affording the licensee an opportunity to make representations to the Authority within such reasonable period from the date of service of the notice as it shall specify.
- (3) After considering any representations made in terms of subsection (2), the Authority may serve, or refrain from or defer serving, an order in terms of subsection (1).
- (4) An order served in terms of subsection (1) may specify a penalty for each day that the licensee subjected to the order is in default of compliance with the order, not exceeding the period and amount prescribed.
- (5) Civil proceedings for specific performance, an interdict, damages, the recovery of any penalty imposed in terms of subsection (4) or other appropriate relief in respect of any contravention or threatened contravention of an order served in terms of subsection (1) may be brought against the licensee concerned by the Authority.

- (6) The amount of any penalty imposed and recovered in terms of this section shall form part of the funds of the Authority.

#### 40. Cancellation of licence

- (1) The Authority may, on its own initiative or upon receiving a complaint from—
- (a) any consumer of a petroleum product or any association considered by the Authority to be sufficiently representative of such consumers or of traders or industrialists;
  - (b) any other licensee or person involved in the transportation or distribution or supply of petroleum products;
- conduct an inquiry into the operations of any licensee to determine its compliance with this Act and its licence.
- (2) In conducting an inquiry in terms of subsection (1), the Authority shall have the same powers, rights and privileges as are conferred upon a commissioner by the Commissions of Inquiry Act [Chapter 10:07], other than the power to order a person to be detained in custody, and sections 9 to 13 and 15 to 19 of that Act shall apply with any such changes as may be necessary in relation to such inquiry.
- (3) If, after an inquiry held in terms of subsection (2), the Authority is satisfied that—
- (a) the licensee has contravened any provision of this Act; or
  - (b) the licensee has failed to comply with any term or condition of its licence; or
  - (c) the financial position of the licensee is such that it is unable to fully and efficiently discharge the duties and obligations imposed on it by its licence;
- the Authority may cancel the licence.
- (4) The Authority shall notify the licensee in writing of the date and venue of an inquiry under this section and shall allow the licensee an opportunity to make representations at the inquiry.

#### 41. Form of licence

A licence shall be in the prescribed form and shall specify—

- (a) the type of licence; and
- (b) the name of the licensee; and
- (c) the date of issue and expiry of the licence; and
- (d) any terms and conditions subject to which the licence is issued; and
- (e) any other matters which the Authority considers necessary.

#### 42. Register of licences

- (1) The Authority shall maintain or cause to be maintained a register of licences in which shall be recorded, in relation to each licence—
- (a) the name of the licensee; and
  - (b) the nature of the licence; and
  - (c) any terms and conditions subject to which the licence was issued; and
  - (d) any renewal, amendment, suspension or cancellation of the licence.
- (2) The register kept in terms of subsection (1) shall be open for inspection by members of the public at all

reasonable times at the offices of the Authority on payment of a fee, if any, specified by the Authority.

### 43. Returns by licensees

Every licensee shall—

- (a) make a weekly return to the Ministry and the Authority of such matters, and in such form, as may be prescribed;
- (b) account monthly for the disposal of its petroleum products by making a monthly return to the Ministry and the Authority in the prescribed form;
- (c) no later than the third working day after the end of the month to which the return relates, submit a monthly price build-up to the Ministry and the Authority showing the amount by which the pre-sale cost of a petroleum product has increased during the month to which the return relates.

## Part VII – Price Stabilisation Fund

### 44. Interpretation in Part VII

In this Part—

“**fuel**” means petrol and diesel referred to in paragraphs (a) and (b) of the definition of “petroleum products” in [section 2\(1\)](#), and includes petrol and diesel or any substitute therefor derived from a non-fossil fuel source;

“**Fund**” means the Fuel Price Stabilisation Fund established in terms of [section 45](#).

### 45. Establishment of Fuel Price Stabilisation Fund

There shall be established a fund to be known as the Fuel Price Stabilisation Fund, whose management and control shall be vested in the Minister as trustee of the Fund.

### 46. Object of Fund

The object of the Fund shall be to stabilise the price at which fuel is sold to consumers by paying out such—

- (a) bounties or subsidies for the local production of fuel; and
- (b) contributions towards any scheme approved by the Minister for the direct stabilisation of the prices of fuel;

as the Minister shall think proper having regard to the financial position of the Fund and the other circumstances of the case.

### 47. Composition of the Fund

The fund shall consist of—

- (a) the proceeds of the levy payable in terms of [section 48](#); and
- (b) any moneys that may be payable to the Fund from moneys appropriated for the purpose by Act of Parliament; and
- (c) any moneys that the Fund may obtain, with the approval of the Minister and the Minister responsible for Finance, by way of grants, donations or otherwise; and
- (d) any moneys that may vest in or accrue to the Fund, whether in terms of this Act or otherwise.

### 48. Fuel price stabilisation levy

- (1) The Minister, in consultation with the Authority, and with the approval of the Minister responsible for finance, may by notice in a statutory instrument, impose a fuel price stabilisation levy on any person or class of persons whose activities are affected by fluctuations in the prices of fuel.
- (2) In prescribing a fuel price stabilisation levy in terms of subsection (1), the Minister shall prescribe—
  - (a) the person responsible for the payment of the levy; and
  - (b) the person responsible for the collection and remittal of the levy; and
  - (c) the manner in and the times at which the levy shall be paid, collected and remitted; and
  - (d) the imposition of interest if the levy is not paid within the time prescribed.
  - (e) the date from which interest imposed under paragraph (d) shall be calculated:

Provided that such date shall not be earlier than the date of publication of the statutory instrument in the *Gazette*.

- (3) A statutory instrument may not be made in terms of this section unless a draft has been laid before and approved by resolution of the House of Assembly.
- (4) A fuel price stabilisation levy and any interest connected therewith shall be a debt due to the Authority and any amount of the levy or of such interest thereon that is not paid, collected or remitted may be recovered by the Authority by proceedings in a court of competent jurisdiction.

#### **49. Financial year of Fund**

The financial year of the Fund shall be a period of twelve months ending on 31 December in each year.

#### **50. Books of accounts and audit of Fund**

- (1) The Minister shall ensure that—
  - (a) proper accounts and other records relating thereto are kept in relation to all financial transactions of the Fund; and
  - (b) in respect of each financial year—
    - (i) a balance sheet; and
    - (ii) a statement of the transactions referred to in paragraph (a);are prepared without undue delay.
- (2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General, who shall have all the powers conferred upon him or her by section 9 of the Audit and Exchequer Act [*Chapter 22:03*] as though the assets of the Fund were public moneys or State property.

### **Part VIII – Consumer protection and licensee performance standards**

#### **51. Consumer protection standards**

- (1) The Authority shall require every licensee to develop and submit to the Authority, for its review, the following—
  - (a) customer service standards;
  - (b) customer complaint handling standards.
- (2) The Authority may develop model consumer protection standards which shall be published in such manner as the Authority deems fit.

- (3) The Authority shall fix safety, health and environmental standards which the licensee must follow when carrying out business in the petroleum industry.

## 52. Competition

The Authority shall have the responsibility for monitoring whether the provision of petroleum products is being done competitively.

## Part IX – Maintenance of strategic reserves and price control

### 53. Strategic reserves

- (1) The Authority shall, after consultation with the Minister, require that NOCZIM maintain prescribed minimum stocks of petroleum products as strategic reserves.
- (2) The Minister shall, after consultation with the President, prescribe the drawdown mechanism in respect of the strategic reserves.

### 54. Petroleum product prices

- (1) The Authority shall, after consultation with the Minister, prescribe the price of any petroleum product.
- (2) When fixing the price of any petroleum product, the Authority shall take into consideration the landed cost of any petroleum products.

## Part X – General

### 55. Inspections

- (1) The Authority may appoint officers to be inspectors for the purposes of this Act and shall furnish each officer so appointed with a certificate signed by or on behalf of the Chief Executive Officer stating that he or she has been appointed as an inspector.
- (2) An inspector or a police officer may require a person whom he or she has reasonable cause to suspect is a person required in terms of this Act to possess a licence to produce his or her licence.
- (3) If a person referred to in subsection (2)—
  - (a) is unable to produce his or her licence on demand; or
  - (b) cannot be located at his or her usual or last-known place of abode or business;the inspector or police officer concerned may serve on the person a notice in the form provided by the Authority requiring that person to produce that notice and his or her licence to the police officer in charge of a police station within seven days from the date of service of that notice.
- (4) A police officer to whom a notice and a licence has been produced in terms of subsection (3) shall forthwith—
  - (a) issue to the person who produced the notice and the licence a receipt in the form provided by the Authority; and
  - (b) notify the inspector or police officer who served the notice that the notice and the licence has been produced.
- (5) If a person who has been served with a notice in terms of subsection (2)—
  - (a) fails to comply with the requirement contained in that notice, he or she shall be presumed, until the contrary is proved, not to be the holder of the licence referred to in the notice;
  - (b) is subsequently prosecuted for failing to comply with the requirement contained in that notice, he

or she shall be presumed, unless the contrary is proved, not to have produced his or her licence in compliance with the notice.

- (6) Subject to subsection (8), an inspector or a police officer may at all reasonable times enter premises of a licensee—
- (a) on which he or she has reasonable cause to suspect is established, constructed or installed petroleum outlets, storage facilities, tankers and such other infrastructure which is causing or may cause a public nuisance or an environmental or health hazard; or
  - (b) on which he or she has reasonable cause to suspect an offence against this Act has been committed;
- and shall have power to make such examination, inspection and inquiry and do such things as may appear to him or her necessary for ascertaining whether compliance has been made with this Act.
- (7) Subject to subsection (8), all books, records, accounts and documents required to be kept by a licensee in terms of this Act shall be open to inspection at all reasonable times by an inspector or by a police officer.
- (8) The powers of entry and inspection conferred by this section shall not be exercised—
- (a) except in accordance with a search warrant issued in terms of section 50 of the Criminal Procedure and Evidence Act [Chapter 9:07]; or
  - (b) except with the consent of the person in charge of the premises concerned, unless there are reasonable grounds for believing that it is necessary to exercise them for the prevention, investigation or detection of an offence in terms of this Act or for the obtaining of evidence relating to such an offence.
- (9) An inspector or police officer may, in the exercise of the powers conferred upon him or her by this section, seize any—
- (a) petroleum products or storage apparatus which he or she has reasonable cause to suspect is being used by or is in the possession or under the control of a person in contravention of this Act; or
  - (b) vehicle or tanker or other apparatus which he or she has reasonable cause to suspect is being used by or is in the possession or under the control of a person in contravention of this Act; or
  - (c) a book, record or document which he or she has reasonable cause to suspect will afford evidence of the commission of an offence against this Act;
- and may retain it for so long as may be necessary for the purpose of any examination, investigation, trial or inquiry.
- (10) An inspector may, in the exercise of the powers conferred upon him or her by this section, order a licensee to cease using, pending inquiry by the Authority, any storage facility or other apparatus which, in his or her opinion, is causing or may cause a public nuisance or an environmental or health hazard or is being used otherwise than in accordance with this Act or the terms and conditions of his or her licence.
- (11) An inspector shall, on demand by any person affected by the exercise of the powers conferred upon the inspector by this section, exhibit the certificate issued to him or her in terms of subsection (1).

## 56. Appeals

- (1) Any person who is aggrieved by—
- (a) a decision of the Authority not to issue a licence; or
  - (b) any term or condition of a licence issued to him or her, or a refusal by the Authority to specify a term or condition in a licence; or
  - (c) a refusal by the Authority to renew a licence; or
  - (d) any amendment of a licence or a refusal by the Authority to amend a licence; or

- (e) the cancellation of a licence; or
  - (f) any other decision of the Authority;
- may appeal to the Administrative Court.
- (2) An appeal to the Administrative Court in terms of subsection (1) shall—
    - (a) not have the effect of suspending the decision appealed against;
    - (b) be made in the form and manner and within the period prescribed in rules of court.
  - (3) On an appeal in terms of subsection (1), the Administrative Court may confirm, vary or set aside the decision or action appealed against and may make such order, whether as to costs or otherwise, as the court thinks just.

## 57. Regulations

- (1) The Minister may, after consultation with the Authority, make regulations prescribing all matters which by this Act are required to be prescribed or which, in the opinion of the Authority, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Regulations made in terms of subsection (1) may provide penalties for contraventions thereof not exceeding a fine of level nine or imprisonment for a period of five years or both such fine and such imprisonment.

## Part XI – Offences

### 58. False statements and declarations and other offences

- (1) Any person who, before the Authority or in any application for a licence under this Act, makes any statement which he or she knows to be false or does not have reasonable grounds to believe to be true, shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.
- (2) Any person who—
  - (a) in contravention of [section 43](#), fails or refuses to furnish a return or to supply information in the manner and in the time prescribed or furnishes a false or incomplete return or supplies false or incomplete information; or
  - (b) wilfully delays or obstructs an inspector or police officer in the exercise of the powers or duties conferred or imposed upon him or her by or under this Act; or
  - (c) fails or refuses, without reasonable cause, to give information to an inspector or police officer when required to do so in terms of this Act; or
  - (d) fails to comply with any requirement contained in a notice served in terms of this Act; or
  - (e) wilfully destroys, injures or removes the storage facilities, equipment or apparatus of a licensee used in connection with its petroleum undertaking;

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

### 59. Disclosure of confidential information and use of information acquired by inspectors, etc., for personal gain

- (1) If an inspector or member or employee of the Authority in the course of his or her duties as such acquires information relating to the financial affairs of any person, or to any commercial secret, he or she shall not for personal gain make use of such information nor disclose it to any other person except—

- (a) for the purpose of legal proceedings under this Act or any other law; or
  - (b) to the extent that it may become necessary to do so for the purpose of this Act or any other law, to another inspector or member or employee of the Authority.
- (2) No inspector or member or employee of the Authority shall, for personal gain, make use of any information acquired by him or her in the course of his or her duties as such for a period of five years after the date on which he or she ceased to be an inspector, member or employee.
- (3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and liable to a fine not exceeding level nine or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

## Part XII – Savings and transitional provisions

### 60. Savings and transitional provisions

- (1) Any regulations, by-laws or notices which, immediately before the fixed date, were in force under the Control of Goods Act [*Chapter 14:05*], relating to petroleum industry shall continue in force, with such changes as may be necessary, as if they had been made by the Minister in terms of this Act, and may be amended or repealed accordingly.
- (2) Any licence which was issued in terms of the Control of Goods Act [*Chapter 14:05*] and which had effect immediately before the fixed date shall continue to have effect, with any changes that may be necessary, for the remainder of its period of validity as if it had been issued under the appropriate provision of this Act.
- (3) NOCZIM shall be deemed to be the holder of such licence or licences under this Act as are appropriate to its operations.

### Schedule (Section 4(2))

*[Schedule repealed by Act 3 of 2011]*