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GOVERNMENT NOTICES

DEPARTMENT OF MINERALS AND ENERGY

No. R. 1126

18 November 2005

PETROLEUM PRODUCTS ACT, 1977 (Act No. 120 of 1977)

REGULATIONS REGARDING PETROLEUM PRODUCTS SITE AND RETAIL LICENCES

The Minister of Minerals and Energy has under sections 2B, 2D, 2E and 12C(1)(a) of the Petroleum Products Act, 1977 (Act No.120 of 1977) made the regulations in the Schedule.

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 otherwise indicates -

“auditor” means a person registered as an auditor in terms of the Public Accountants’ and Auditors’ Act, 1991 (Act 80 of 1991);

“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 Oath Act, 1963 (Act No. 16 of 1963) and where the stamp includes the competent person’s capacity, physical address and, if applicable, licence number;

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

“designated wholesaler” means a licensed wholesaler who supplies licenced retailers with prescribed petroleum products, of whom less than 25 percent are historically disadvantaged South Africans;

“Environment Conservation Act” means, the Environment Conservation Act, 1989 (Act No. 73 of 1989);

“new” means not existing at the commencement of the Amendment Act; unless the context indicates otherwise;

“prescribed petroleum products” means, in this Regulation, petrol, diesel and liquefied petroleum gas used for the propulsion of vehicles on public roads;

“retail asset network owner” means a person who holds more than one site licence;

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

“temporary licence” means a licence issued to any person for a specified time period, not exceeding six months, in respect of a retailing operation that has been previously licenced as contemplated in section 2B (5) of the Act;

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

“the Amendment Act” means the Petroleum Products Amendment Act 2003 (Act No. 58 of 2003);

“training” means learnerships as contemplated in Section 16 of the Skills Development Act 1998 (No. 97 of 1998) and **“trained”** must be interpreted accordingly.

Scope of regulation

- 2 This Regulation applies to site and retail licences.

CHAPTER 1**SITE LICENCES*****Application for a new site licence by any person who qualifies in terms of section 2D of the Act***

- 3 Any person who holds or is in the process of developing a site in terms of Section 2D of the Act, must –
- (1) apply to the Controller for a site licence by completing the application form contained in Annexure A; and
 - (2) lodge that application with the Controller together with the documents specified in Annexure B.
- 4 The application contemplated in regulation 3 above must be lodged together with an application for a corresponding retail licence.

Application for site licence by any person who does not qualify in terms of section 2D of the Act

- 5 Any person who does not qualify in terms of Section 2D of the Act must –
- (1) apply to the Controller for a site licence by completing the form contained in Annexure A;
 - (2) lodge that application with the Controller together with the documents specified in Annexure B; and
 - (3) not commence with construction of the site until a licence has been issued by the Controller.
- 6 The application for a site licence contemplated in regulation 5 above must be lodged together with an application for a corresponding retail licence;

Site licence evaluation procedure

7 In evaluating a site licence application, the Controller must be satisfied that

–

- (1) a corresponding valid retail licence application exists for that site;
 - (2) if there is no valid retail licence application for that site, notify the applicant in writing that the application has been unsuccessful because a valid retail licence application for that site does not exist;
 - (3) the applicant is the owner of the site;
 - (4) the application form has been completed in full;
 - (5) all the documents specified in Annexure B have been submitted with the application form;
 - (6) the documents submitted with the application form are true and correct documents;
 - (7) the applicant has paid the site licence fee determined in Annexure C; and
 - (8) An applicant, for a site licence, who does not qualify in terms of section 2D of the Act, must provide proof of payment of any monies due, in terms of any Act or regulations for the purposes of rehabilitating a site upon the cessation of retailing activities.
- (a) An applicant must lodge the required proof of payment contemplated in Subregulation 7(8) above to the Controller upon application for the site licence.

Conditions for issuing a site licence

8 The Controller must, if satisfied that an application for a site licence meets the requirements of the Act and this regulation –

- (1) issue a letter informing the applicant that the application is successful, and indicating in the letter the application fee specified in Annexure C, to be paid into a Bank account stipulated in this regulation.
- (2) then issue the site licence upon receipt of the original letter or certified copy of the original and the proof of payment, contemplated in Subregulation 8(1) above.

Conditions of a site licence

- 9** 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.
- 10** The licensee must comply to all conditions of a site license, stipulated in this Regulation, and with other relevant national, provincial and local government laws for the site licence to remain valid.

Transfer of a site licence

- 11** A site licence must be transferred when the land in respect of which the site licence has been issued changes ownership, provided that –
- (1) the new owner of that land applies in writing to the Controller to have that licence transferred within six months of taking ownership of the site;
 - (2) the applicant pays an administration fee specified in Annexure C, into a Bank account stipulated in this Regulation; and
 - (3) the applicant must provide a certified copy of the title deed or a certified copy of the deed of transfer, to the Controller on application.
- 12** Any new owner of 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 of that site, shall be in contravention of the Act and this Regulation.

CHAPTER 2

RETAIL LICENCES

Application for retail licence in respect of a retailing operation existing at the commencement of the Amendment Act

13 Any person retailing petroleum products who qualifies in terms of Section 2D of the Act must –

(1) apply to the Controller for a retail licence by completing the form contained in Annexure A; and

(2) lodge that application with the Controller together with the documents specified in Annexure D.

14 The application for a retail licence contemplated in regulation 13 above must be lodged together with an application for a corresponding site licence.

15 A retail licence contemplated in Regulation 13 above may not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this Regulation;

16 In the event that the person contemplated in Regulation 13 above fails to apply for the retail licence within six months of the Amendment Act coming into operation, that person will be treated according to Regulation 17 below.

Application for a new retail licence in respect of a retailing operation that never existed at the commencement of the Amendment Act

17 Any person who does not qualify in terms of Section 2D of the Act must –

(1) apply to the Controller for a retail licence by completing the form contained in Annexure A; and – – – –

(2) lodge that application with the Controller together with the documents specified in Annexure D.

18 The application for a retail licence contemplated in Regulation 17 above must be lodged together with an application for a corresponding site licence.

19 When an application is made for a licence as contemplated in Regulation 17 above, the Controller may require the applicant to follow a public consultation process, which shall be determined by the Controller.

Criteria for retail licences that do not qualify in terms of section 2D of the Act

20 An applicant, for a retail licence, who does not qualify in terms of section 2D of the Act, must provide proof of payment of any monies due, in terms of any Act or regulations for the purposes of rehabilitating land used in connection with retailing activities upon the cessation of such retailing activities, prior to the retail licence being issued;

21 A retail licence for a retailing activity that does not qualify in terms of section 2D of the Act, may only be issued after the Controller has been satisfied that the retailing activity for which the licence is applied for is economically viable.

22 In determining economic viability, the Controller must ensure that the net present value (NPV) of the business is positive and audited to this effect;

23 In the event that the **HDSA** retailers associated with an retail asset network owner, hold less than 25 percent of all retail licences in that network then retail licences -

(1) must only be issued to **HDSA** applicants to conduct the business of retailing prescribed petroleum products or;

(2) may be issued to other applicants, subject to a submission of a plan, at a time to be specified by the Controller, to achieve the 25 percent **HDSA** retailers by the year 2010, by such a retail asset network owner.

24 The prevailing percentage of retail licences possessed by **HDSA's** as contemplated in Regulation 23 above be based on actual figures captured on the licensing system.

Retail licence evaluation procedure

25 In evaluating a retail licence application, for an application that qualifies in terms of section 2 **(D)** of the Amendment Act, the Controller must –

- (1)** establish whether or not a corresponding valid site licence exists for that site; and
- (2)** if there is no valid site licence for that site, notify the applicant in writing that the application has been unsuccessful because a valid site licence **for** that site does not exist; and
- (3)** ensure that the application form has been completed in full in that –
 - (a)** all the documents specified in Annexure D have been submitted with the application form;
 - (b)** the documents submitted with the application form are true and correct documents; and
- (4)** the applicant has paid the application fee determined in Annexure C;

26 The Controller must, if satisfied that an application for a licence meets the requirements of the Act and this Regulation, issue the licence for which such application was made;

27 In evaluating a retail licence application, for an application that does not qualify in terms of section 2(D) of the Amendment Act, the Controller must –

- (1)** establish whether or not a corresponding valid site licence exists for that site; and
- (2)** if there is no valid site licence for that site, notify the applicant in writing that the application has been unsuccessful because a valid site licence for that site does not exist; and
- (3)** ensure that the application form has been completed in full –
 - (a)** all the documents specified in Annexure D have been submitted with the application form;
 - (b)** the documents submitted with the application form are true and correct documents; and
- (4)** the applicant has paid the application fee determined in Annexure C;

28 A retail licence for a retailing activity that does not qualify in terms of section 2D of the Act, may only be issued after the Controller has been satisfied that the retailing activity for which the licence is applied for is economically viable;

(1) ~~In determining economic viability, the Controller must ensure that –~~

- (a) the period to be used in the calculation is 20 years;
- (b) a discount rate that is to be published by the controller at the end of February every year.
- (c) the retail margin as reflected in Table 1;
- (d) a repayment period of the longest loan, debt or other type of financing excluding equity is not more than 20 years;
- (e) the rent specified by the landlord;
- (~~9~~) the franchise fee payments payable to the franchisor;
- (g) any payments due to the landowner in lieu of rehabilitation;
- (h) all other payments and guarantees payable to the franchisor;
- (i) estimated volumes of petrol and diesel to be sold;
- (j) have once-off payments payable to any person ~~such~~ as those colloquially referred to as “key money” and “goodwill payments”;
- (k) a fair share of total costs of the operations conducted on that site, being allocated to retailing prescribed petroleum products;
- (l) labour costs adjusted annually for inflation;
- (~~m~~) all factors necessary to properly calculate the net present value have been included;
- (n) all capital expenditures and incomes have been included in the net present value calculation;
- (o) all other business assumptions used in the net present value calculation are fair and reasonable;
- (p) the net present value calculation has been correctly calculated;
- (q) that the real net present value contemplated above is positive;

29 If an applicant for a retail licence receives a notification contemplated in Subregulation 25(1), then that applicant is not disqualified from making further applications in respect of that site;

Conditions of issuing a retail licence

30 The Controller must, if satisfied that an application for a retail licence meets the requirements of the Act and this regulation -

(1) issue a letter informing the applicant that the application is successful, and indicating in the letter the application fee specified in Annexure C, to be paid into a Bank account stipulated in this regulation.

(2) then issue the retail licence upon receipt of the original letter or certified copy of the original and the proof of payment, contemplated in Subregulation 30(1) above.

Conditions of retail licence

31 A licenced retailer may only retail from the site specified on their retail licence.

32 A retail licence may not be transferred to another person.

33 A retail licensee must pay the annual licence fee determined in Annexure C before the anniversary date of issue of the licence each year.

34 The payment contemplated in Regulation 33 above must be accompanied by a fully completed, retail licence annual submission form determined in Annexure A.

35 A licenced wholesaler contracted to supply prescribed petroleum products to a licenced retailer and/or the rightful owner of the site licence may apply in writing to the Controller to declare the licenced retail activity concerned, no longer a going concern.

(1) An submission contemplated in Regulation 35 above must be accompanied by a report from an independent auditor, appointed by the wholesaler or the rightful owner of the site licence, setting out the recorded petroleum product stock levels and meter readings of sales on the petroleum product dispensing equipment concerned, that demonstrate that the licenced retail activity is not a going concern, provided that the licenced retailer and the licenced wholesaler concerned may agree, in writing, to another procedure;

- (2) A retail licensee must allow an auditor appointed in accordance with Subregulation 35(1) above, access to the relevant site for the purposes of conducting the measurements contemplated in that Regulation.

36 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;

Transfer of a retail licence

37 A retail licence is not transferable;

38 In the event that any person wishes to replace a licensee or person specified in a retail licence, that person must—

- (1) submit an application for a retail licence to the Controller in accordance with the provisions of Regulation 17 above; and
- (2) attach a certified copy of the previous or current retail licence in question.

Temporary Retail licences

39 Any person may apply for a temporary retail licence in respect of a retailing operation that has been previously licenced.

40 An application for a temporary retail licence must be made to the Controller on the application form contained in Annexure A and -

- (1) be made in writing;
- (2) set out the reasons for the application;
- (3) include a motivation for a temporary licence;
- (4) include reasons why the applicant is the appropriate person to be issued a temporary licence;
- (5) provide details of the means and resources available to the applicant in order to return the business to normal operations;
- (6) be accompanied by a certified copy of the applicant's identity document if the applicant is an individual;
- (7) be accompanied by a certified copy of its registration documents.
- (8) A temporary licence must only be issued in respect of a retailing business that was previously licenced.

(9) the Controller may set special conditions for a temporary retail licence according to the circumstances presented.

(10) A Temporary licence must not be issued before the applicant has paid the application fee specified in Annexure C, into a Bank account stipulated in this regulation.

(11) Provide proof of payment contemplated in Subregulation 40(10), and the letter or certified copy of the letter contemplated in regulation??, in collection of applicants temporary licence,

Commencement and continuation of business under retail licence

41 A retail licensee must commence with retail sales at the corresponding site within a period of six months after the date on which a retail licence has been issued to the licensee, failing which the licence lapses.

42 The Controller may, upon application in writing, extend the period of time contemplated in Regulation **41** above for a consecutive period of six months for a total period not exceeding 12 months.

43 The Controller may request the information necessary from the applicant, concerning an application contemplated in Regulation **42** above;

CHAPTER 3

GENERAL PROVISIONS

Unsuccessful application for licence

- 44** If the Controller declines to issue a licence, the applicant must be informed ~~with reasons of that decision in writing;~~

Information to be submitted to Controller by retail licensee-

- 45** A retail licensee must declare to the Controller that the ownership of the licenced activity has not changed.
- 46** The declaration contemplated in Regulation 45 above must be –
- (1) in writing;
 - (2) made before or on the anniversary date of the licence date of issue;
 - (3) accompanied by an auditor's written opinion confirming that the declaration is correct;
- 47** A retail licensee must submit to the Controller, not later than the end of February of each -year, the following information ~~-in- respect~~ of the preceding calendar year:
- (1) the volumes of petrol, diesel and illuminating paraffin sold;
 - (2) the number of employees by race, gender and disabled persons;
 - (3) a report on the training and the number and title of the qualifications obtained by learners in the employ of the licensee;
 - (a) a declaration that the licenced retail business is not owned by a wholesaler;
 - (b) a declaration by an auditor on the extent of ownership, expressed as a percentage, of the business, owned by historically disadvantaged South Africans as defined in the Charter, provided that a licensee that is a sole trader need not submit such a declaration.

Training

48 A licenced wholesaler may, for training purposes, be issued a number of retail licences that meet the provisions of these regulations, as follows:

- (1) one retail licence for the first 100 sites supplied with prescribed petroleum products by that wholesaler; and
- (2) one retail licence for every additional 200 sites supplied with prescribed petroleum products by that wholesaler; but no more than nine retail licences.

49 An applicant for a retail licence contemplated in Subregulation **48 (1)** above must submit with the application a declaration stating that the licenced retailing activity will be used for training purposes.

Application for duplicate site or retail licence

50 When a site or retail licence has been lost, damaged or destroyed the licensee may apply to the Controller for a duplicate thereof;

51 An application contemplated in Regulation 50 above must be accompanied by -

- (1) an affidavit stating reason/s for application contemplated in Regulation 50 above;
- (2) the applicant's identity number or entity registration number, as the case may be, and the number of the lost damaged or destroyed licence;
- (3) the fee payment set out in Annexure C, into the bank account stipulated in this regulation.

Amendment of licence

52 An application for the amendment to a licence related to changes of ownership must be dealt with as if it is an application for a new licence.

53 In the case of change in licensee's particulars, new details can be indicated in section 2 of the Retail Licence Annual Submission Form and Change in Particulars contemplated in annexure A, must be completed and lodged to the controller.

Surrender, suspension and cancellation of licence

54 A licensee may at any time by notice in writing to the Controller surrender that licence, with reasons.

55 If a licensee 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 Regulation 56 below, cancel the licence.

56 The Controller may not cancel a licence unless –

(1) the licensee has been informed in writing of the intention to cancel or suspend such licence –

(a) setting out the particulars of the alleged failure or contravention;

and

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

57 the Controller has considered–

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

(2) any other relevant matters submitted by way of the representations contemplated in Regulation 56 (b) above.

58 A licence ceases to be valid if –

(1) the licensee becomes subject to a disqualification set out in the Act or regulations; or

(2) the licence is surrendered;

(3) the licence is cancelled by the Controller; or

(4) the licensee fails to comply with the conditions of the licence.

59 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 on which it ceased to have effect.

Controller to make decision within reasonable time

- 60 A decision from the Controller as required by these regulations must be made within a reasonable period of time taking into account the nature of the decision required, provided that if a decision regarding an application for a licence is not made within a period of 90 days after the lodging of that application, the Controller must furnish, if **so** required in writing by the applicant, reasons in writing for the delay, provided that in the **first** 12 months of operation of this Regulation the said period is 300 days.
- 61 Any decision made by the Controller under these regulations must be conveyed in writing to the applicant, with reasons.

Appeals

- 62 The Minister must consider and make **a** finding in respect of an appeal lodged pursuant to section 12A of the Act within 90 days from the date of receipt thereof;

False Declarations

- 63 If it is proved to the satisfaction of the Controller that any person made a false declaration, the Controller may revoke or amend any decision or the award of any licence that was influenced by such false declaration.

Additional Information

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

Publication of data by the Controller

- 65 The Controller must, commencing 12 months after the commencement of these regulations, as at the end of March, June, September and December each year, within 30 days of the end of those months, publish data on -
- (1) the number of valid retail licences;
 - (2) the number of valid retail licences held by historically disadvantaged South Africans;
 - (3) the number of retail licences issued in the calendar year concerned;
 - (4) the number of lapsed retail licences in the calendar year concerned;
 - (5) the number of valid site licences;
 - (6) the number of valid site licences held by historically disadvantaged South Africans;
 - (7) the number of site licences issued in the calendar year concerned;
 - (8) the number of lapsed site licences in the calendar year concerned;
 - (9) the licence numbers of all valid licences;
 - (10) The Controller shall maintain, at its place of business and on its website, a register of all site and retail licensees, which must include the name, address, licence number of the licensees.

ANNEXURE A: APPLICATION FORMS

ANNEXURE B: DOCUMENTS TO BE SUBMITTED WITH A SITE LICENCE APPLICATION

1 An application for any site licence must be accompanied by –

- (a) a certified copy of the applicant's identity document 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 its registration documents, if the applicant **is** a corporate entity or a trust;
- (c) certified copies of –
 - i the land use zoning certificate issued by a competent authority, authorising retailing from the site;
 - ii the Record of Decision of the environmental authorities in accordance with the Environmental Conservation Act, **1989** permitting retailing operations on the site;
 - iii the title deed to the land on which the site is, or lease agreement or permission in the form of an affidavit or in the case **of** publicly owned land the written permission of the land owner;
 - iv 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;
 - v a declaration by the applicant confirming compliance with all national provincial and local government legal requirements”;
 - vi **Tax** clearance certificate of the year preceding the date of application.
- (d) a declaration by the applicant giving reasons why any certified copy required in terms of this Annexure is not provided.

(2) If an application for a site licence qualifies in terms of section 2D of the Act, the following must also be submitted –

- (a) A declaration by the applicant stating that retailing operations were being conducted on the site at the commencement of the Amendment Act; or
- (b) If the applicant is in the process of developing a site at the commencement of the Amendment Act, the applicant must submit a statement signed by the appropriate building inspector or other competent authority stating the date on which building plans for the site were approved by the appropriate authorities and that construction in accordance therewith has commenced.
- (c) Provide proof of payment of any monies paid for the purposes of rehabilitating a site upon the cessation of retailing activities.

ANNEXURE C: LICENCE FEES

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

Payment must be by direct deposit to the following account –

Account holder: Department of Minerals and Energy Petroleum Products

Bank: ???????

Account Number: ?????

Branch Code: ?????

ANNEXURE D: DOCUMENTS TO BE SUBMITTED WITH A RETAIL LICENCE APPLICATION

1. An application for a retail licence must be accompanied by -
 - (a) a certified copy of the applicant's identity document or, in the case of a non-South African citizen, a permanent residence permit or an employment permit and proof of residence in South Africa or proof of domicile in South Africa, as the case may be;
 - (b) in the case of an application made by a person claiming to be a historically disadvantaged South African, a declaration by that person to this effect;
 - (c) a certified copy of its registration documents;
 - (d) a declaration by the applicant stating that the applicant **is** not owned by a licenced wholesaler;
 - (e) a declaration by the applicant stating that the applicant "is in compliance with all national provincial and local government legal requirements".
2. An application for a new retail licence must be accompanied by an **NPV** calculation, the assumptions thereof and declaration by an auditor -
 - (a) in the case of non-natural person, on the extent of ownership ~~of~~ the business by historically disadvantaged South Africans as defined in the Charter.
 - (b) that a net present value (**NPV**) calculation has been performed in accordance with the following parameters -
 - (i) The period to be used in the calculation is 20 years;
 - (ii) A discount rate of the prime rate **plus x**, and maybe gazetted by the controller.
 - (iii) the retail margin as reflected in Table 1 below;
 - (iv) a repayment period of the longest loan, debt or other type of financing excluding equity is not more than 20 years;
 - (v) the rent specified by the landlord;
 - (vi) the franchise fee payments payable to the franchisor;
 - (vii) any payments due to the landowner in lieu of rehabilitation;
 - (viii) all other payments and guarantees payable to the franchisor;
 - (ix) estimated volumes of petrol and diesel to be sold;

- (x) once-off payments payable to any person such as those colloquially referred to as “key money” and “goodwill payments”;
 - (xi) a fair share of total costs of the operations conducted on that site, being allocated to retailing prescribed petroleum products;
 - (xii) labour costs adjusted annually for inflation;
 - (xiii) all factors necessary to properly calculate the **NPV** have been included;
 - (xiv) the NPV calculation has been correctly calculated;
 - (xv) all other business assumptions used in the **NPV** calculation are fair and reasonable;
 - (xvi) all capital expenditures and incomes have been included in the **NPV** calculation.
- (c) that the real net present value contemplated in paragraph (b) is positive.
- (d) that the signatory on the application is duly authorized thereto.

3. **The NPV** calculation contemplated in Annexure D 2, the applicant must provide both hard copy and electronic copy of the NPV calculation.

Table 1 - Parameters for calculation of net present value

Year	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Inflation rate forecast, % p.a.	5.1	5.7	5.2	5.1	6	6.3	5.1	4.5	4.5	4.5
Prescribed Petroleum Products sold per month, litres	280,000	285,000	290,000	295,000	300,000	305,000	310,000	315,000	320,000	325,000
Retail Margin, Rands per litre	0.398	0.41	0.42	0.43	0.44	0.45	0.45	0.45	0.46	0.47

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
Inflation rate forecast, % p.a.	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Prescribed Petroleum Products sold per month, litres	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000	325,000
Retail Margin, Rands per litre	0.49	0.51	0.53	0.56	0.58	0.61	0.63	0.66	0.69	0.72



APPLICATION FOR SITE OR RETAIL LICENSE
PETROLEUM PRODUCTS ACT 120 OF 1977 - PETROLEUM PRODUCTS REGULATIONS 2005

☐ SITE LICENCE ☐ RETAIL LICENCE

☐ CONVERSION ☐ NEW

[illegible][illegible]

[illegible]

☐ EASTERNCAPE ☐ FREE STATE ☐ GAUENG ☐ KWAZULU-NATAL

☐ UMPOPO ☐ MPUMALANGA ☐ NORTHERNCAPE ☐ NORTHWEST

☐ WESTERNCAPE

		0			1		2
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		0			1			2
--	--	---	--	--	---	--	--	---

TRADE NAME
PROPOSED
TRADE
NAME[illegible][illegible][illegible]

☐ RETAILER OWNED, RETAILER OPERATED ☐ 3rd PARTY OWNED, OIL COMPANY LEASED,
RETAILER OPERATED

☐ OIL COMPANY OWNED, RETAILER OPERATED ☐ OIL COMPANY TRAINING SITE

☐ OTHER

[illegible]

SITE LICENSE NO. IF ISSUED

Note: In case where a new retailer applying for a retail licence to replace existing retailer, in such a case please enter the site licence number.

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VOLUMES (LITRES) SOLD IN LAST CALENDAR YEAR, (For Retailing Operations *that* existed before __)

PETROL

[illegible]

DIESEL

[illegible]

ILLUMINATING PARAFFIN

[illegible]

DOCUMENTS TO BE ATTACHED IF THIS IS A SITE LICENCE APPLICATION

1. A certified copy of the applicant's identity document 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
2. If the applicant is a corporate entity or a trust, a certified copy of registration documents.
3. A certified copy of the land **use-zoning** certificate issued by the competent authority.
4. A certified copy of the Record of **Decision** of the relevant environmental authorities in accordance with the Environment Conservation Act (Act No. **73 of 1989**) permitting **retailing** operations, if applicable.
5. An original copy or a certified copy of the title deed to the property the applicant seeks to have licenced **as a site or** in the case of publicly **owned** property the written permission of the landowner.
6. If the proposed site allows direct access by vehicles to a national road, a certified copy of the permission given by the Relevant Roads Authority.
7. A certified copy of a declaration by the applicant stating that **she/he/it** is in compliance with all national provincial and local government legal requirements.
8. A declaration by the applicant stating that fuel retailing operations were being conducted on **the** site at before the 31 December **2005**.
9. If the applicant is in the process of developing a site at the commencement of the Petroleum Products Amendment Act **58 of 2003**, the applicant must submit a statement signed by the appropriate building inspector stating that building plans for the site in respect of which this application is made have been approved and that construction in accordance therewith has commenced.
10. Provide proof of payment of any monies paid for the purposes of rehabilitating a site upon the cessation of retailing activities.
11. If necessary, a certified copy of a declaration by the applicant giving reasons why any certified **copy** required is not provided.

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

1. A certified copy of the applicant's identity document ~~or~~, in the case of a non-South African citizen, a permanent residence permit ~~or~~ an employment permit and proof of residence in South Africa ~~or~~ proof of **domicile** in South Africa, ~~as the~~ case may be.
2. In the case of an application ~~made~~ by a historically disadvantaged South African, a declaration by that person to that effect. (Historically disadvantaged means a person who ~~was~~ discriminated against in law before 27 April 1994 ~~on~~ the basis of race, gender ~~and/or~~ **disability**).
3. A certified copy of its registration documents, if the applicant is a corporate entity ~~or~~ a **trust**.
4. A declaration ~~by~~ the applicant stating that a licensed wholesaler does not ~~own~~ the **applicant**.
5. A declaration by the applicant stating that the applicant is in compliance with all **national** provincial and local ~~government~~ legal requirements.
6. The NPV calculation ~~the~~ applicant must provide both hard copy and electronic **copy of the** NPV calculation.
7. Tax clearance certificate of ~~the~~ latest year preceding the date of application.
8. A declaration by an auditor –
 - (a) Stating, in the case of non-natural person, the extent of ownership of the business by historically disadvantaged South Africans. (Historically disadvantaged means a person who was discriminated against in law before 27 April 1994 on the **basis of** race, gender ~~and/or~~ disability).
 - (b) Stating that a nett present value calculation ~~has been~~ performed in accordance with the regulated parameters and that the resulting real nett present value is **positive**.
9. Stating that the signatory ~~on~~ this application is duly authorized ~~thereto~~.

DECLARATION

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

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

.....
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this application form and its annexures, that he has no objection to taking the prescribed oath and that he considers the oath binding on his 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 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: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8648

Fax No.: (012) 322 8570

E-Mail: petroleum.controller@dme.gov.za



the dme

**Department:
Minerals and Energy
REPUBLIC OF SOUTH AFRICA**

RETAIL LICENCE ANNUAL INFORMATION SUBMISSION FORM
PETROLEUM PRODUCTS ACT 120 OF 1977 - PETROLEUM PRODUCTS REGULATIONS 2005

INSTRUCTIONS

- 1. Read Regulation before completing this application form.**
- 2. Use capital letters and where applicable mark with a ☒.**

PLEASE COMPLETE

SITE LICENCE NUMBER

[illegible]**RETAIL LICENCE NUMBER**[illegible]

REGISTERED
NAME
IN FULL

[illegible]

TRADE NAME
IN FULL

[illegible]

PLEASE ENTER DETAILS OF CONTACT MEMBER OF ENTITY

TITLE

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FAMILY NAME

[illegible]**FIRST NAME**[illegible]

IDENTITY NO.

SECTION 2: COMPLETE IF THERE IS A CHANGE IN UCENCEE'S PARTICULARS

TRADE NAME
IN FULL

[illegible]**POSTAL
ADDRESS OF
REGISTERED
OFFICE**[illegible]**POSTAL CODE**

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TEL NO.
(BUSINESS)

[illegible]

[illegible][illegible][illegible]

REGISTERED
NAME
INNU

[illegible][illegible][illegible]

			%
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☐ RETAILER OWNED, RETAILER OPERATED ☐ 3rd PARTY OWNED, OIL COMPANY LEASED,
RETAILER OPERATED

☐ OIL COMPANY OWNED, RETAILER OPERATED ☐ OIL COMPANY TRAINING SITE

☐ OTHER

[illegible][illegible][illegible][illegible]

PLEASE 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 UCENCEE'S EMPLOYEES

NUMBER OF EMPLOYEES TRAINED

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

PLEASE INDICATE TITLE AND QUALIFICATIONS OBTAINED BY EMPLOYEES

DOCUMENTS TO BE ATTACHED TO THIS SUBMISSION C ANNUAL INFORMATION

- | |
|---|
| 1. A declaration by the licensee that the ownership of the licenced activity has not changed, accompanied by an auditors written opinion confirming the declaration to be true . |
| 2. A declaration by the licensee stating that a licensed wholesaler does not own the retailing activity. |
| 3. A declaration by the applicant stating that the applicant is in compliance with all national provincial and local government legal requirements. |
| 4. A declaration by an auditor –

(a) Stating, in the case of the licensee being a non-natural person, the extent of ownership of the business by historically disadvantaged South Africans. (Historically disadvantaged means a person who was discriminated against in law before 27 April 1994 on the basis of race, gender and/or disability). A licensee who is a sole trader need not submit such a declaration. |
| 5. Stating that the signatory on this application is duly authorized thereto. |

DECLARATION

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

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

.....
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of this
application form and its annexures, that he has no objection to taking
the prescribed oath and that he considers the oath binding on his
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 Annual submission form is completed electronically it must be printed out, signed 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: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8646

Fax No.: (012) 322 8570

E-Mail: petroleum.controller@dme.gov.za



APPLICATION FOR TEMPORARY LICENCE
PETROLEUM PRODUCTS ACT 120 OF 1977 - PETROLEUM PRODUCTS REGULATIONS 2005

[illegible][illegible]

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[illegible][illegible][illegible][illegible]

Blank lined paper for writing.

DOCUMENTS TO BE ATTACHED TO THIS APPLICATION FORM

- | |
|--|
| 1. A certified copy of the applicants identity document, if the applicant is an individual |
| 2. A certified copy of the entity's registration documents. |

DECLARATION

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

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

.....
Signature

I certify that the deponent:

- (a) has acknowledged that he knows and understand the contents of thii
application form and its annexures, that he has no objection to taking
the prescribed oath and that he considers ~~the~~ oath binding on his
conscience; and
- (b) has in the prescribed manner sworn that ~~the~~ contents of thii
application form and its annexures are true and signed same before
me at (place) on thiiday of
.....(month) (year).

COMMISSIONER OF OATHS

Name: _____

Address: _____

Capacity: _____

NOTE: If this Temporary retail licence application is completed electronically it must be printed out, signed 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: Director Petroleum and Gas Regulation

Contact No.: (012) 317 8181

Fax No.: (012) 322 5224

E-Mail: petroleum.controller@dme.gov.za