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GOVERNMENT NOTICE

DEPARTMENT OF MINERALS AND ENERGY**No. R. 1078****4 November 2005****PETROLEUM PRODUCTS ACT, 1977 (Act No. 120 of 1997).****REGULATIONS REGARDING PETROLEUM PRODUCTS SPECIFICATIONS
AND STANDARDS**

The Minister of Minerals and Energy **has** under section 12C(1)(e) and (f) **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 otherwise indicates –

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

“**additive**” means a chemical substance intentionally added to petroleum products in trace or small quantities in order to improve one or more of the petroleum product’s performance or storage stability, its performance in an engine or intended to reduce the emissions from an engine powered by that petroleum product;

“**aromatics**” means a group of hydrocarbons that contain a benzene skeleton in their molecular structure;

“**biodiesel**” means a biodegradable and renewable fuel or fuel additive for diesel engines derived from natural oils extracted from vegetable matter, and that conforms to South African National Standard, Automotive Biodiesel, **SANS** 1935;

“**blend**” means a mixture of two or more compatible petroleum products having different properties in order to produce an intermediate or final petroleum product with desired attributes;

“**bowser**” means an apparatus erected on a site for the purposes of pumping petrol or diesel from an underground tank and dispensing it into a motor vehicle;

“**coastal zone**” refers to magisterial districts listed in Annexure A as coastal;

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

“**end-consumer**” means a person acquiring a petroleum product for own use and consumption;

“**grade**” means the classification of a petroleum product according to its chemical composition and characteristics such as its RON rating, sulphur content, additives content and the quantity or proportion thereof;

“**inland zone**” refers to magisterial districts listed in Annexure A as inland;

“**label**” means a marking affixed to a bowser on a site that specifies the grade of petrol or diesel dispensed by that bowser;

“**licensee**” means a person to whom the Controller has issued a manufacturing, wholesale or retail licence in accordance with the provisions of the Act;

“**low-emission diesel**” means diesel used in underground mines with a sulphur content of not more than 0.005 percent by mass and conforms to the South African National Standard, *‘Low-emission diesel fuel for use in underground mines’*, SANS 1755;

“**low-sulphur grade diesel**” means diesel with a sulphur content of not more than 0.005 percent by mass and conforms to the South African National Standard, *‘Automotive diesel fuel’*, SANS 342;

“**metal-containing petrol**” means petrol containing metal based additives, other than lead, with a **RON** of either 93 or **95**, otherwise referred to as “**lead replacement petrol**” or “**LRP**”;

“**metal-free petrol**” means petrol that does not contain any metal-based additives, with a **RON** of 91, 93 or 95, otherwise referred to as “**unleaded petrol**” or “**ULP**”;

“**MTBE**” means methyl tertiary-butyl ether with a chemical composition of $\text{CH}_3\text{OC}(\text{CH}_3)_3$;

“**RON**” refers to research octane number, which is a measure indicating the capacity of petrol to prevent engine knocking at low speed;

“**SANS**” means South African National Standards published by the South African **Bureau of Standards** in terms of the Standards Act, 1993 (Number 29 of 1993) and a number occurring immediately after **SANS** means the numbered standard;

“**standard grade diesel**” means diesel with a sulphur content of not more than 0.05 percent by **mass** and conforms to the **South African National Standard**, ‘Automotive *diesel fuel*’, **SANS 342**;

“**v/v**” means volume for volume.

Scope of regulation

- 2 This regulation prescribes specifications and standards for petroleum products that may be sold in the Republic of South Africa.

Petrol grades permitted

- 3 The permitted grades of petrol that may be sold to an end-consumer are restricted to-
- (1) metal-free petrol with a RON of 91;
 - (2) metal-free petrol with a RON of 93;
 - (3) metal-free petrol with a RON of 95;
 - (4) metal-containing petrol with a RON of 93; and
 - (5) metal-containing petrol with a RON of 95;
 - (6) petrol grades with a RON of more than 95 provided that –
 - a) only licensed wholesalers may sell or provide such petrol;
 - b) such petrol grades are only sold to-
 - (i) persons holding racing licences issued by the Motorsport South Africa; or
 - (ii) legal entities that manufacture motor vehicles where such petrol grades are used for testing purposes; and
 - c) such petrol grades are not stored, sold or provided from a site;
 - (7) petrol with lead additives for use in aeroplanes with internal combustion engines provided that –
 - a) only licensed wholesalers may sell or provide such petrol;
 - b) such petrol is only sold to licensed owners or operators of aeroplanes with internal combustion engines for their own use;
 - c) such petrol is not stored, sold or provided from a site.
- 4 Permitted metal-free petrol grades must conform to South African National Standard, Unleaded Petrol, **SANS** 1598, provided that–

- (1) the RON rating must be 91, 93 or 95;
- (2) the maximum permitted traces of lead as contamination must not exceed 5 milligrams per litre;
- (3) the maximum permitted content of aromatics is 42% v/v;
- ~~(4) the maximum permitted benzene content is 3% v/v.~~

5 Metal additives intended to enhance octane ratings or limit valve seat recession in internal combustion engines must only be used in metal-containing petrol.

6 Permitted metal-containing petrol must conform to South African National Standard, Leaded Petrol, **SANS** 299 provided that—

- (1) the RON rating must be either 95 or 93;
- (2) the maximum permitted traces of lead as contamination must not exceed 5 milligrams per litre;
- (3) manganese based additives must not exceed 18 milligrams per litre;
- ~~(4) potassium based additives must not exceed 10 milligrams per litre;~~
- (5) phosphorous based additives must not exceed 14 milligrams per litre;
- (6) only one of the additives referred to in sub-regulations (3), ~~(4)~~ and (5) is added to such petrol;
- (7) the maximum permitted content of aromatics is 42% v/v; **and**
- (8) the maximum permitted benzene content is 3% v/v.

Petrol zones

- 7** Permitted metal-free petrol grades may be sold throughout the Republic.
- 8** Metal-containing petrol with a RON of 95 must only be sold in the coastal zone.
- 9** Metal-containing petrol with a RON of 93 must only be sold in the inland zone.

Diesel grades permitted

- 10** The permitted grades of diesel that may be sold to an end-consumer are restricted to-
- (1) standard grade diesel;
 - (2) low sulphur grade diesel;
 - (3) biodiesel; and
 - (4)** low-emission diesel provided that –
 - a) only licensed manufacturers or wholesalers may sell or provide such diesel;
 - b) such diesel is only sold to end-consumers, that are licensed owners or operators of mines, for their own use;
 - c) such diesel is not stored, sold or provided from a site.
- 11** Permitted standard grade diesel must conform to South African National Standard, Automotive diesel fuel, **SANS** 342 provided that –
- (1) the sulphur content of such diesel is not more than 0.05% by mass;
 - (2) the polycyclic aromatic hydrocarbon content of such diesel **is** not more than 11% measured on a mass for mass basis; and
 - (3) such diesel is blended with not more than **5%** biodiesel.
- 12** Permitted low sulphur grade diesel must conform to South African National Standard, Automotive diesel fuel, **SANS** 342 provided that –
- (1) the sulphur content of such diesel is not more **than** 0.005% by mass;
 - (2) the polycyclic aromatic hydrocarbon content of such diesel **is** not more than 11% measured on a mass for mass basis; and
 - (3) such diesel is blended with not more than **5%** biodiesel.
- 13** Permitted low-emission diesel must conform to South African National Standard, Low-emission diesel fuel for use in underground mines, **SANS** 1755, provided that –

- (1) the sulphur content of such diesel is not more than 0.05% by mass;
 - (2) the polycyclic aromatic hydrocarbon content of such diesel is not more than 11% measured on a mass for mass basis; and
 - (3) such diesel is blended with not more than 5% biodiesel.
- 14 Permitted biodiesel conforms to South African National Standard, Automotive biodiesel, SANS 1935.

Prohibition of certain activities

- 15 The sale of petroleum products that do not comply with specifications and standards contemplated in this Regulation is prohibited.
- 16 Offering for sale, selling or providing one grade of petrol or diesel as another grade of petrol or diesel, as the case may be, subject to *the* provisions of this Regulation is prohibited.
- 17 Offering for sale, selling or providing -
- (1) any blend or mixture of different petroleum products; or
 - (2) any blend or mixture of different petroleum products with other substances;
- for the purposes of evading the payment of any tax, duty or levy is prohibited.
- 18 Offering for sale, selling or providing metal-free petrol or metal-containing petrol, which contains lead additives, subject to the provisions of this Regulation, is prohibited.
- 19 Offering for sale, selling or providing metal-free petrol or metal-containing petrol, which contains MTBE additives, subject to the provisions of this Regulation, is prohibited.

Inspection and testing of petroleum products

- 20 **An** inspector appointed in accordance with the provisions of section 3 of the Act, may -

- (1) enter and search without a warrant any premises, any vehicle, vessel or aircraft and any receptacle of whatever nature;
 - (2) seize, without a warrant, a whole batch or a sample of any petroleum product for purposes of monitoring or verifying compliance with the provisions of this Regulation;
 - (3) from time to time, for purposes of monitoring compliance with this Regulation, sample and test petroleum products in accordance with the methods specified in SANS 299, **SANS** 1598, **SANS** 1754, **SANS** 464, **SANS** 342 or SANS 1935, as appropriate;
 - (4) appoint suitably qualified experts to test petroleum products;
 - (5) demand of any person owning, offering for sale, selling or providing petroleum products governed by these regulations, a compliance certificate in respect of such petroleum products and such person must, if so instructed, provide the inspector with such certificate; and
 - (6) demand of any person importing petroleum products governed by these regulations, any documentation associated with such importation and such person must, if so instructed, provide the inspector with such documentation.
- 21** The cost of sampling and testing contemplated in subregulations 20(2) and 20(3) must -
- (1) in the case of petroleum products manufactured in Republic of South Africa, be borne by the manufacturer of such petroleum product; and
 - (2) in the case of petroleum products imported into the Republic of South Africa, be borne by the wholesaler of such petroleum product,

Permits for deviation from specifications and standards

- 22** A licensee may apply in writing to the Controller for a permit to deviate from the specifications and standards of petroleum products governed by this Regulation.
- 23** Upon receipt of an application for a permit contemplated in sub regulation **22**, the Controller must consider the application and consult the Minister in that regard.
- 24** In considering an application contemplated in regulation **22** the Controller must consider the urgency, health, safety, environmental, security, continuity of supply of petroleum products, national interest and logistical implications of granting or refusing such a permit.
- 25** A permit issued by the Controller permitting a licensee to deviate from the provisions of this Regulation must –
- (1) be in writing and signed by the Controller;
 - (2) specify the period for which the permit is valid and such period must not be longer than **60 days**;
 - (3) specify the petroleum products for which the permit applies;
 - (4) specify the extent of the deviation from the provisions of this Regulation permitted; and
 - (5) specify such other conditions as the Controller may consider appropriate.
- 26** Notwithstanding any other penalty that may be imposed under the Act or any other law, the Controller may, in the event of non-compliance by a permit holder with any –
- (1) condition of a permit contemplated in regulation **25**, terminate such permit; or
 - (2) provision of this Regulation, order the permit holder to terminate the distribution and sale of such non-compliant petroleum product, with immediate effect.

27 The Controller may not terminate a permit unless –

- (1) the permit holder has been informed in writing of the intention to terminate such permit by–
 - a) setting out the particulars of such failure or contravention; and
 - b) calling upon the permit holder to make representations that may be necessary, within 7 calendar days from the date of receipt of such notice;
- (2) the Controller has considered –
 - a) any steps taken by the permit holder to remedy the non-compliance concerned or to prevent any such non-compliance from recurring; and
 - b) **any** other relevant matters submitted by way of representations.

Retail pump labelling

28 A bowser on a site must have a label affixed to it.

29 A label contemplated in regulation 28 must –

- (1) have lettering and numbering in a font size of Arial **55**;
- (2) face the same direction **as** the information indicating the price of the petrol or diesel displayed on that bowser; and
- (3) be positioned not more than 20 centimetres above or below the information displaying the price **of** the petrol or diesel dispensed from that bowser.

30 The petrol or diesel grade dispensed from a bowser must be the petrol **or** diesel grade specified in the label affixed to that bowser.

31 The label to be affixed to a bowser dispensing a metal-free petrol grade must be white lettering and numbering on a green background.

32 The label to be affixed to a bowser dispensing metal-free petrol grade RON 95 must contain only the words and numbers “Unleaded Petrol **95** Metal-free.”

- 33 The label to be affixed to a bowser dispensing metal-free petrol **grade** RON 93 must contain only the words and numbers “Unleaded Petrol **93** Metal-free.”
- 34 The label to be affixed to a bowser dispensing metal-free petrol grade RON **91** must contain only the words and numbers “Unleaded Petrol **91** Metal-free.”
- 35 The label to be affixed to a bowser dispensing a metal-containing petrol grade must be white lettering and numbering on a red background.
- 36 The label to be affixed to a bowser dispensing metal-containing petrol grade RON 95 must contain only the words and numbers “**Lead** Replacement Petrol 95 **X** based,” where **X** is represented **as** either “manganese” or “potassium” or phosphorus” **as** appropriate for **the** type of petrol dispensed from that bowser.
- 37 The label to be affixed to a bowser dispensing metal-containing petrol grade RON 93 must contain only the words and numbers “**Lead** replacement petrol 93 **X** based,” where **X** is represented **as** either “manganese” or “potassium” or phosphorus” as appropriate for the type of petrol dispensed from that bowser.
- 38 The label to be affixed to a bowser dispensing a diesel grade must be white lettering and numbering on a black background.
- 39 The label to be affixed to a bowser dispensing standard grade diesel must contain only the words “Standard diesel.”
- 40 The label to be affixed to a bowser dispensing low sulphur grade diesel must contain only the words “Low sulphur diesel.”

Records to be kept by licensees

- 41 A licensee must keep records of purchase and sale transactions of petroleum products including –
- (1) the grade of petroleum product;

- (2) the quantity of petroleum product;
- (3) in the case of a purchase of a batch of petroleum product, the documentation by which the physical receipt of a petroleum product can be linked to the order, purchase and payment for that batch of petroleum product;
- (4) the results of any tests performed on a batch of petroleum product, including the details of that batch and the date of each test;
- (5) the testing method used;
- (6) the record by which the petroleum product tested can be traced back to its delivery docket; and
- (7) the port of entry, in the case of a batch of imported petroleum product.

42 The records contemplated in regulation **41** must be -

- (1) retained for **5** years; and
- (2) disclosed to an inspector on request.

Transitional provisions and Commencement

43 This Regulation comes into effect on 1 **January** 2006 provided that-

- (1) the provisions of regulations **4(2)** and **6** commence on the first Wednesday in April 2006;
- (2) the provisions of regulations 11, 12, 13 and **14** commence on the first Wednesday in March 2006;
- (3) the provisions of this Regulation relating to the labelling of petrol bowsers commence when the petrol dispensed by a bower conforms to one of the permitted grades of petrol, or on the first Wednesday in April 2006, whichever event occurs first provided that before that event the label on bowsers dispensing metal-containing petrol must state "Lead replacement petrol 95 contains metals" **or** "Lead replacement petrol **93** contains metals" **as** the case **may** be; and

(4) the provisions of this Regulation relating to labelling of diesel bowsers commence when the diesel dispensed by a bowser conforms to one of the permitted grades of diesel, or on the first Wednesday in March 2006, whichever event occurs first.

44 A licensed manufacturer must not manufacture, after midnight on 31 December 2005 –

(1) any petrol grade that is not in compliance with this Regulation; and

(2) any diesel grade that is not in compliance with this Regulation.

45 A licensed manufacturer or wholesaler must not import petroleum products, after midnight on 31 December 2005, that are not in compliance with this Regulation.

Offences and penalties

46 Any person performing a prohibited action or committing an offence under this Regulation shall be deemed to have committed an offence under the Act.

ANNEXURE A

A. Coastal Region Magisterial Districts

NORTHERN CAPE PROVINCE				
Calvinia	Carnarvon	Clanwillians	Namaqualand	Fraseburg
Kenhardt	Sutherland	Vanrhynsdorp	Victoria West	Veredendal
Williston				

Beaufort West	Bellville	Bredasdorp	Caledon	Calitzdortp
Kenhardt	Sutherland	Vanrhynsdorp	Victoria West	Veredendal
Ceres	Clanwilliams	George	Heidelberg	Hermanus
Hopefield	Knysna	Kuilsriver	Ladismith	Laingsburg
Montague	Mooreesburg	Mosselbay	Murraysburg	Oudshoorn
Paarl	Picketberg	Prince Albert	Riversdale	Robertson
Simonstown	Stellebosch	Swellendam	Uniondale	Vredenburg
Vredendal	Wellington	Worcester	Wynberg	

Aberdeen	Adelaide	Albany	Alexandria	Barthust
Bedford	Bisho	Bizana	Cathcart	Centane

Cofimvaba	Cradock	Fort Beaufort	Gatyana	Gcuwa
Glen Grey	Graaff Reinet	Hankey	Herschelle	Hewu??
Humansdorp	Idutywa	Jansenville	Joubertina	Kieskamahoek
King Williamstown	Kirkwood	Komga	Lady Grey	Libode
Lusikisiki Lusikisiki	Maluti	Mdantsane	Middledrift	Molteno
Mpofu	Mqanduli	Mt Ayliff	Mt Flether	Murraysburg
Ngcobo	Nqamakwe	Ngqeleni	Pearston	Peddie
Port Elizabeth	Queenstown	Siphaqeni	Somerset East	Steytlerville
Stutterheim	Tabankulu	Tarka	Tsolo	Tsomo
Umzimkulu	Umzimvubu	Victoria Victoria	Willowmore	Xalanga
Xhora				

Alfred	Babanango	Bergville	Danhaeuser	Dundee
Escourt	Eshowe	Glencoe	Hanover	Hlabisa
Impendle	Inanda	Ingwavuma	Ixopo	Klipriver
Kranskop	KwaMashu	Lion River	Lower Mfolozi	Lower Tugela
Mahlabathini	Mapumulo	Mooi River	Msinga	Mt Currie
Mtonjeni	Mtunzini	Ndwendwe	Newcastle	Ngotshe
Nkandla	Nongoma	Nqutu	Paulpietersburg	Pietermaritzburg

Piet Retief	Polina	Port Shepstone	Richmond	Ubombo
Umlazi	Umzinto	Underberg	Utrecht	Vryheid
Wakkerstroom	Weenen			

FREE STATE PROVINCE

Harrismith				
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MPUMALANGA PROVINCE

Barberton	Kwamhlaswa	Nelspruit	Nsikazi	Eerstehoek
Pilgrims Rest	Pilgrims – Sabie	Volkrust	Witrivier	

LIMPOPO PROVINCE

Bolobedu	Giyani	Malamulele	Mhala	Namakgale
Letaba	Palaborwa	Ritavi	Soutspanberg	

B. Inland Region Magisterial Districts

NORTHERN CAPE PROVINCE				
Barkely West	Bethulie	Britstown	Colesburg	De Aar
Gordonia	Hanover	Hay	Herbert	Kenhardt
Kimberly	Kuruman	Noupoort	Phillipolis	Phillipstown
Posmasburg	Prieska	Richmond	Venterstad	Warrenton

EASTERN CAPE PROVINCE				
Albert	Alwal North	Baca	Barkley East	Elliot
Herschelle	Indwe	Lady Grey	Maclear	Qumbu
Sterkspruit	Steynsburg	Venterstad	Wood House	

FREE STATE PROVINCE				
Bethlehem	Bethulie	Bloemfontein	Boshoff	Bothaville
Brandfort	Bultfontein	Clorcola	Clorcolan	Dewetshoop
Edenburg	Excelcior	Fauresmith	Fickburg	Fouriesburg
Frankfort	Heilbron	Hennenman	Hoopstad	Jacobsdal
Jagersfontein	Koffiefontein	Koppies	Kroonstad	Ladybrand
Lindley	Marquard	Odendaalrus	Parys	Petrusburg
Phillipolis?	Reddersburg	Reitz	Rouxville	Sasolburg

Senekal	Smithfield	Thaba Nchu	Theunissen	Trompsburg
Venterburg	Viljoonskroon	Virginia	Vrede	Vredefort
Welkom	Wepener	Wesselsbron	Wietsieshoek	Winburg
Zastron				

Bafokeng	Bloemhof	Brits	Christiana	Coligny
Delareyville	Ditsobotla	Ganyesa	Hartswater	Klerksdorp
Koster	Kudumane	Lichtenburg	Madikwe	Mankwe
Marico	Molopo	Moretele	Potchestroom	Rustenburg
Schweizer	Reneke	Swartruggens	Taung	Ventersdorp
Vryburg	Wolmaransstad			

GAUTENG PROVINCE				
Alberton	Benoni	Boksburg	Brakpan	Bronkhorstspuit
Cullinan	Germiston	Heidelberg	Johannesburg	Kempton Park
Krugersdorp	Nigel	Oberholzer	Pretoria	Randburg
Randfontein	Roodepoort	Soshanguve Soshanguve	Springs Springs	Vanderbijlpark Vanderbijlpark
Vereeniging	Westonaria	Wonderboom Wonderboom		

Amersfoort	Belfast	Bronkhorspruit	Carolina	Cullinan
Ermelo	Lydenburg	Middelburg	Moutjana	Moutse
Standerton	Volksrust	Witbank		

LIMPOPO PROVINCE				
Bochum	Dzanani	Ellisras	Grobblersdal	Habamooopo
Messina	Mokerong	Moretele	Nebo	Pietersburg
Potgieterust	Sekhukuneland	Seshego	Soutspanberg	Thabazimbi
Thohoyandou	Vuwani	Warmbad	Waterberg	

KWAZULU PROVINCE				
Utrecht				

Note: some magisterial districts contain both “coastal” and “inland” areas.

ANNEXURE B**Requirements for Metal-free petrol – for implementation 1st January 2006**

Property	Units	Limit	SANS 1598 2006
Octane number, research		min	95, 93 91
Aromatics	% (v/v)	max	42
Benzene	% (v/v)	max	3

ANNEXURE CRequirements for Metal-containing **petrol** – for implementation

1st January 2006

Property	Units	Limit	SANS464 2006
Octane number, research		min	Coast: 95 Inland 93
Metal Additives			
Manganese	Mg/L	max	18
Potassium	mg/L	max	10
Phosphorous	mg/L	max	14
Aromatics	% (v/v)		42
Benzene	% (v/v)	max	3

ANNEXURE D**Requirements for Diesel – for implementation 1st Jan 2006**

Property	Units	Limit	SABS
			342
			2000
Sulphur Content:			
Standard	ppm	max	500
Low Sulphur Content	ppm	max	50
Polycyclic Aromatic Hydrocarbons	% m/m	max	11