

***GUIDEINES TO THE
SITE AND RETAIL
LICENCE
REGULATIONS***

FREQUENTLY ASKED QUESTIONS BY THE APPLICANTS

Questions	Responses
1. How long does it take for a temporary application to be approved?	It takes 1 to 2 weeks, depending on the complexity of the application lodged,
2. How long does it take for a decision to be taken on the application after the analysis is completed?	A maximum period of 2 weeks, if not, it will be communicated to the applicant, which may be due to the technical issues, e.g. the Controller seeking clarity on certain matters, also depending on the complexity of the application, the time period will vary.
3. How long should I plan to wait for a response from this office in relation to my application for a retail or wholesale?	We are compelled to respond to you within a period of 90 days. This period must be calculated from the date we receive proof of publication. The 90 day time period stops once the Controller's office requests further information until the date such information is provided by the applicant, Please note that there is a mandatory waiting period of 20 working days after the date publication, for the purpose of objections by any interested or effected party.
4. What should the NPV look like?	<p>For Change of Ownership:</p> <p>2 years previous volume pumped by the previous owner applicant with projections from income and expenditures for the next 5 years. (Limited to forecourt operations only.</p> <p>New applications:</p> <p>Traffic count including all data and assumptions used with projections of income and expenditure for 5 years. (Limited to forecourt operations only.)</p>

Questions	Responses
5. Who is the Controller?	The Controller of Petroleum Products is the Minister of the Department of Energy, or an official that has been appointed by the Minister. The DDG: Petroleum & Petroleum Products Regulations is nominated as the Controller of Petroleum Products.
6. When should I apply for an amendment of a license?	A licence certificate can be amended at any time if there's been any form of change to the license holder's details (entity / individual etc.). When there is a majority change of ownership within the licensed entity an amendment if not applicable and therefore a new application must be lodged.
7. When must one apply for a site transfer?	Within 6 months of taking ownership of the land on which the retail site sits. The new land owner should apply for a site transfer and attach the supporting documents as stipulated in Regulation 23 of Site and Retail Regulations.
8. What exactly must be contained in a business plan?	The applicant should provide a bankable business plan and illustrate on how they will meet the objectives of the Act and five effed to the Charter. Kindly refer to the Business Plan Guidelines.

**FOR FURTHER INFORMATION ON FREQUENTLY ASKED QUESTIONS PLEASE
SE BEOW**

SECTION A: RETAIL LICENCE

1. WHO IS A RETAILER?

Any person or business that purchases and sells prescribed Petroleum Products at a licensed site, to end-consumers for own consumption. A retailer is only allowed to purchase Petroleum Products from a licensed manufacture or licensed wholesaler.

2. WHY DO I NEED A RETAIL LICENCE?

The Petroleum Products Amendment Act, 2003 (Act No 58, 2003) the “Act” Section 2A (1) (d), states that no one is allowed to retail prescribed petroleum products unless that person has a valid retail licence.

3. WHO MAY APPLY FOR A RETAIL LICENCE?

Any person who wants to sell prescribed Petroleum Products to end-users (for own consumption) including those who are currently buying and selling Petroleum Products may apply for a retail licence.

4. WHAT HAPPENS IF I ALREADY OPERATE A RETAIL OUTLET?

If you are already operating a retailing outlet at the commencement of the Act, 17th of March 2006, you will be deemed to hold a Retail licence. However you must apply for a retail licence within a period of six months from the commencement of the Act.

5. HOW DO I APPLY FOR A RETAIL LICENCE?

- a) You must complete the prescribed application form (i.e. Form DE 29).
- b) For your convenience the form is attached to this information guide;
- c) An electronic and printable version form of the application is obtainable from the Department of Minerals and Energy website (www.energy.gov.za).
- d) Upon being informed by the controller of Petroleum Products that your application has been successful you will be requested to pay a fee of R500.00, irrespective of whether you have been operating before or after the commencement of the Act.

6. HOW LONG IS MY RETAIL LICENCE VALID AND DO I NEED TO RENEW IT?

Your licence will be valid for as long as your business is a going concern and does not need to be renewed. However, you must submit Retail licence annual information (submission form DE 26) as well as pay the annual licence fee of R500 required and submit proof of such payment to the controller of Petroleum Products.

7. CONDITIONS APPLICABLE TO A LICENCE

- (1) The licensed retailing activity must remain a going concern.
- (2) A licensed retailer must only(
 - (a) retail from the site specified on the retail licence; and
 - (b) Purchase petroleum products from a licensed wholesaler or a licensed manufacturer.
- (3) A licensed retailer must
 - (a) comply with the Charter; Act and its Regulations
 - (b) allow any authorized inspector by the Controller in accordance with the Act access to the relevant site for the purposes of inspections or conducting an investigation;
 - (c) *at all* times carry out legitimate instructions from the Controller

- (4) 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.
- (5) A corresponding 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.
- (6) A licensed retailer must not allow self-service by consumers of petroleum products on the premises of the licensed retailer.
- (7) A retail licence is not transferable.

8. CAN I TRANSFER MY LICENCE TO SOMEBODY ELSE?

No, it is not transferable.

9. INFORMATION, WHICH MUST BE GIVEN TO THE CONTROLLER ON A YEARLY BASIS AND OTHER INFORMATION THE CONTROLLER, MAY ASK FOR.

A licensed retailer holder must submit to the controller an annual licence fee, retail licence annual information (Submission form, DE 26) and the supporting documents according to the regulations, before the end of February each year. Notify the controller of:

- (a) ownership of the licensed activity has not changed;
- (b) the volumes of the prescribed Petroleum Product sold and purchased within and outside the Republic of South Africa;
- (c) the number of employees categorized by race, gender and disability and the number of employees trained;
- (d) the number and title of the qualifications the employees obtained which are accredited by the South African Qualifications Authority; and
- (e) progress and an updated plan in respect of compliance with the objectives of the Charter;

10. WHAT IF MY PARTICULARS ON THE LICENCE CHANGE

You have to inform the Controller of Petroleum Products in writing of any change of trade name, postal address of registered office, business telephone number, mobile phone number, fax number or email address within 30 days of the relevant change taking effect;

OR the change can be included on the Retail Licence Annual Information Submission Form (DE 26) as part of annual information provided that the 30 day period is complied with.

11. WHERE MUST I PUT MY RETAIL LICENCE?

A retail licence or the certified copy should be displayed business premises in a manner which anyone entering the premises may read it.

12. HOW LONG MUST I WAIT FOR THE CONTROLLER TO MAKE A DECISION?

(1) The Controller must make a decision within a period of 90 days:
Provided that

- (a) In the case of an application for a licence by an applicant in respect of whom the retailing facility is existing or is in the process of development, the period commences from the date of acceptance of the application;
- (b) In the case of an application for a licence by an applicant in respect of whom the retailing facility does not exist at the time of commencement of the Petroleum Products Amendment Act, No 58 2003), the period of 90 days commences from the date of receipt of the proof of publication of the notice.
- (c) In the first six months after the commencement of these Regulations, the period is 250 days.

13. WHAT DO INSPECTORS DO?

- a) The Inspectors are responsible for regularly visiting outlets to collect samples and verify whether they meet prescribed Petroleum Products standards and specifications.
- b) The inspectors are also responsible for checking safety measures undertaken by the licensee.

14. WHAT ARE THE PENALTIES FOR CONTRAVENTION OF OR FAILURE TO COMPLY WITH THE PROVISIONS OF THE PETROLEUM PRODUCTS AMENDMENT ACT OR REGULATIONS?

Any person who is found in contravention of the Petroleum Products Amendment Act,2003 (Act No 58,2003) shall be guilty of an offence and be liable on conviction to a fine not exceeding R1 000 000,00 or imprisonment for a period of not exceeding 10 years, or to both such fine and such imprisonment.

SECTION B: SITE LICENCE

1. WHAT IS A SITE LICENCE?

A licence issued to a person/business that holds land or has permission from the owner of land to develop a site for the purpose of retailing Petroleum Products.

2. WHY DO I NEED A SITE LICENCE?

The Petroleum Products Amendment Act, 2003 (Act No 58, 2003) the “Act” Section 2A (1)(c) – it states that no one is allowed to own a site for the purpose of retailing Petroleum Products unless that person has a valid site licence.

3. WHO MAY APPLY FOR A SITE LICENCE?

Any person or retailer who wants to develop and hold a land for the purposes of retailing Petroleum Products may apply for a site licence including those who are currently site owner for buying and selling prescribed petroleum products, and but must be the owner, have written permission if it's a publicly owned land or have a lease for the land (Lease for the land only applies to applicant who qualify in terms of section 2D of the Petroleum Products Amendment Act, 2003 (Act No 58, 2003)).

4. WHAT HAPPENS IF I AM ALREADY HOLDING A LAND OR DEVELOPING A SITE FOR RETAIL PURPOSES?

If you are already operating a retailing outlet at the commencement of the Act, 17th March 2006, you will be deemed to hold a Site licence. However you must apply for a Site license within a period of six months from the commencement of the Act.

5. HOW DO I APPLY FOR A SITE LICENCE?

- a) You must complete the prescribed application form (i.e. is form DE 29).
- b) For your convenience this form is attached to this information guide;
- c) An electronic and printable version from the Department of Minerals and Energy website (www.energy.gov.za).
- d) Upon being informed by the controller of Petroleum Products that your application has been successful you will be requested to pay a fee of R1000.00, irrespective of whether you have been operating before or after the commencement of the Act.

6. HOW LONG IS MY SITE LICENCE VALID AND DO I NEED TO RENEW IT?

Your site licence is valid for as long as your business is a going concern and does not need to be renewed. However you must submit the corresponding Retail licence's Annual Information (Submission form DE 26) as well as the annual licence fee of R500 required and submit proof of such payment to the controller of Petroleum Products.

7. WHAT IF MY PARTICULARS ON THE LICENCE CHANGE

You have to inform the Controller in writing of any change of address or telephone number within 30 days of the relevant change of trade name, postal address of registered office, business telephone number, mobile phone number, fax number or email address within 30 days of the relevant change taking effect; *OR* the change can be included on the corresponding Retail Licence Annual Information Submission Form (DE 26) as part of annual information provided that the 30 day period is complied with.

8. CAN I TRANSFER MY SITE LICENCE TO SOMEBODY ELSE?

Yes, a site licence can be transferred if there is a change in ownership of a site and the new owner of that site must apply within six months of taking ownership of the site.

Where Section 2D of the Act is not applicable:

The new owner should pay the relevant site licence fee that is R500 at the relevant regional bank account and provide proof of financial provision for the purpose of rehabilitating a site on cessation of retailing activities and submit certified copy of the title deed or a certified copy of the deed of transfer of ownership of the land to the controller.

Where Section 2D of the Act is applicable:

The new owner should pay the relevant site licence fee that is R500 of The relevant regional bank account and submit certified copy of the title deed or a certified copy of the deed of transfer of ownership of the land to the controller.

9. WHERE MUST I PUT MY SITE LICENCE?

A licence or the certified copy must be displayed on the business premises in a manner which anyone entering the premises may read it.