

(23 June 2017 – to date)

PETROLEUM PRODUCTS ACT 120 OF 1977

Government Notice 1362 in Government Gazette 5672, dated 29 July 1977. Commencement date: 16 September 1977. [Proc. 222, Gazette No. 5739, dated 23 September 1977].

REGULATIONS REGARDING PETROLEUM PRODUCTS SPECIFICATIONS AND STANDARDS

Government Notice R627 in Government Gazette 28958, dated 23 June 2006. Commencement date: 23 June 2006.

As amended by:

Government Notice R582 in Government Gazette 40929 dated 23 June 2017. Commencement date of regulations 3(d) and 6(b): 23 June 2017.

The Minister of Minerals and Energy has under sections 2(1)(a) and 12C(1)(a)(vi), (e) and (f) of the Petroleum Products Act, 1977 (Act No. 120 of 1977) made the Regulations in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Scope of regulation
3. Permitted petrol grades
4. Sale of petrol
5. Permitted diesel grades
6. Prohibition of certain activities
7. Inspection and testing of petroleum products
8. Labelling specification for petroleum products
9. Records

1. Definitions

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 indicates otherwise-

"**additive**" means a substance intentionally added to a petroleum product 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 a reduction of the emissions from an engine powered by that petroleum product;

"aromatics" means a group of hydrocarbons that contain a benzene ring in their molecular structure;

"AVSR" means anti-valve seat recession;

"biodiesel" means a fuel or fuel component for diesel engines derived from natural oils extracted from vegetable matter and that conforms to the South African National Standard, Automotive biodiesel fuel, 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 dispensing petrol or diesel into a motor vehicle;

"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 consumption;

"grade" means the classification of a petroleum product according to its chemical composition and characteristics such as its RON, sulphur content, additive content and the quantity or proportion thereof;

"label" means a marking displayed on a bowser at a site that specifies the grade of petrol or diesel dispensed from 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-sulphur grade diesel" means diesel with a sulphur content of not more than 50 mg/kg;

"LRP" means lead replacement petrol, which is metal-containing unleaded petrol sold as a replacement for leaded petrol;

"metal-containing unleaded petrol" means petrol containing metal-based additives, other than lead, but including phosphorus with a RON of 91, 93 or 95;

"metal-free unleaded petrol" means petrol that does not contain any metal-based additives, with a RON of 91, 93 or 95;

"petroleum products" means, for the purpose of these Regulations, petrol, diesel and biodiesel;

"RON" means research octane number which is a measure indicating the capacity of petrol to prevent engine knocking at low speed;

"SANS" means the South African National Standard issued by Standards South Africa, a division of South African Bureau of Standards, in terms of the Standards Act, 1993 (Act No. 29 of 1993);

"standard grade diesel" means diesel with a sulphur content of not more than 500 mg/kg;

"the Act" means the Petroleum Products Act, 1977 (Act No. 120 of 1977);

"v/v" means volume by volume.

2. Scope of regulation

These Regulations set out specifications and standards for petroleum products that may be sold for consumption in the Republic.

3. Permitted petrol grades

- (1) Only permitted grades of petrol may be sold to an end-consumer in the Republic, which grades are-
 - (a) metal-free unleaded petrol with a minimum RON of 91;
 - (b) metal-free unleaded petrol with a minimum RON of 93;
 - (c) metal-free unleaded petrol with a minimum RON of 95;
 - (d) metal-containing unleaded petrol with a minimum RON of 91;
 - (e) metal-containing unleaded petrol with a minimum RON of 93;
 - (f) metal-containing unleaded petrol with a minimum RON of 95;
 - (g) petrol grades with a RON of more than 95: Provided that-
 - (i) only licensed wholesalers may sell or provide such petrol grades;
 - (ii) such petrol grades are only sold to-
 - aa persons holding racing licences issued or recognised by Motorsport South Africa; or

- bb manufacturers of motor vehicles or engines where such petrol grades are used for testing or for first-fill purposes; and
- (iii) such petrol grades are not stored on, sold or provided from a site; and
- (h) petrol with lead additives for use in aeroplanes with internal combustion engines: Provided that-
 - (i) only licensed wholesalers may sell or provide such petrol;
 - (ii) such petrol is only sold to licensed owners or operators of aeroplanes with internal combustion engines for their own consumption; and
 - (iii) such petrol is not stored on, sold or provided from a site.
- (2) Permitted metal-free unleaded petrol grades must conform to the South African National Standard, Unleaded petrol, SANS 1598, and-
 - (a) the minimum RON rating must be 91, 93 or 95, as the case may be;
 - (b) the maximum permitted traces of lead as contamination must not exceed 13 milligrams per litre;
 - (c) the maximum permitted content of aromatics is 50% v/v; and
 - (d) the maximum permitted benzene content is 5% v/v.
- (2A) The manganese based additives in permitted unleaded petrol grades must not exceed 18 milligrams *[sic]* per litre.
(Regulation 3(2A) inserted by regulation 3(d) of Government Notice R582 in Government Gazette 40929 dated 23 June 2017, with effect from 23 June 2017.)
- (3) Metal-based additives, including phosphorus-based additives, must only be used in metal-containing unleaded petrol.
- (4) Permitted metal-containing unleaded petrol must conform to the South African National Standard, Unleaded petrol, SANS 1598, and-
 - (a) the minimum RON rating must be 91, 93 or 95, as the case may be;
 - (b) the maximum permitted traces of lead as contamination must not exceed 13 milligrams per litre;
 - (c) manganese-based additives must not exceed 36 milligrams per litre;

- (d) potassium-based additives must not exceed 10 milligrams per litre;
- (e) phosphorous-based additives must not exceed 14 milligrams per litre;
- (f) only one of the additives referred to in paragraphs (c), (d) and (e) may be added to such petrol;
- (g) the maximum permitted content of aromatics is 50% v/v; and
- (h) the maximum permitted benzene content is 5% v/v.

4. Sale of petrol

Permitted petrol grades may be sold throughout the Republic.

5. Permitted diesel grades

- (1) Only permitted grades of diesel may be sold to an end-consumer in the Republic, which grades are-
 - (a) standard grade diesel in which-
 - (i) the sulphur content of such diesel must not be more than 500 mg/kg; and
 - (ii) not more than 5% v/v biodiesel is blended;
 - (b) standard grade B10 diesel in which-
 - (i) the sulphur content must not be more than 500 mg/kg; and
 - (ii) not more than 10% v/v biodiesel is blended;
 - (c) standard grade B20 diesel in which-
 - (i) the sulphur content must not be more than 500 mg/kg; and
 - (ii) not more than 20% v/v biodiesel is blended;
 - (d) standard grade B30 diesel in which-
 - (i) the sulphur content must not be more than 500 mg/kg; and
 - (ii) not more than 30% v/v biodiesel is blended;

- (e) standard grade B50 diesel in which-
 - (i) the sulphur content must not be more than 500 mg/kg; and
 - (ii) not more than 50% v/v biodiesel is blended;
- (f) low-sulphur grade diesel in which-
 - (i) the sulphur content must not be more than 50 mg/kg; and
 - (ii) not more than 5% v/v biodiesel is blended;
- (g) low-sulphur grade B10 diesel in which-
 - (i) the sulphur content must not be more than 50 mg/kg; and
 - (ii) not more than 10% v/v biodiesel is blended;
- (h) low-sulphur grade B20 diesel in which-
 - (i) the sulphur content must not be more than 50 mg/kg; and
 - (ii) not more than 20% v/v biodiesel is blended;
- (i) low-sulphur grade B30 diesel in which-
 - (i) the sulphur content must not be more than 50 mg/kg; and
 - (ii) not more than 30% v/v biodiesel is blended;
- (j) low-sulphur grade B50 diesel in which-
 - (i) the sulphur content must not be more than 50 mg/kg; and
 - (ii) not more than 50% v/v biodiesel is blended; and
- (k) biodiesel B100 which must be 100% v/v biodiesel.

(2)

- (a) Subject to paragraph (b), diesel referred to in subregulation (1) must conform to the South African National Standard, Automotive diesel fuel, SANS 342;

- (b) In the case where the maximum biodiesel content specified in the South African National Standard, Automotive diesel fuel, SANS 342 differs from that specified in subregulation (1), the maximum biodiesel content specified in subregulation (1) must apply.

6. Prohibition of certain activities

- (1) The sale of petroleum products for use in the Republic that do not comply with the provisions of these Regulations is prohibited.
- (2) A licensed manufacturer may not manufacture, for consumption in the Republic,-
 - (a) any petrol grade that does not comply with these Regulations; and
 - (b) any diesel grade that does not comply with these Regulations.
- (3) Offering for sale, selling or providing one grade of petrol or diesel as another grade of petrol or diesel, as the case may be, is prohibited.
- (4) Offering for sale, selling or providing -
 - (a) any blend or mixture of different petroleum products; or
 - (b) any blend or mixture of different petroleum products with other substancesthat results in the non-payment of any tax, duty or levy due is prohibited.
- (5) Offering for sale, selling or providing metal-free unleaded petrol or metal-containing unleaded petrol which contains lead additives, is prohibited.
- (6) A licensed manufacturer or wholesaler may not import petroleum products, for consumption in the Republic that do not comply with these Regulations.

7. Inspection and testing of petroleum products

An inspector may, in respect of an offence under the Act-

- (a) enter and search without a warrant any premises, any vehicle, vessel or aircraft and any receptacle of whatever nature;
- (b) 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 these Regulations;

- (c) from time to time, for purposes of monitoring compliance with these Regulations, sample and test petroleum products in accordance with the methods specified in the South African National Standard, Unleaded petrol, SANS 1598; the South African National Standard, Automotive diesel fuel, SANS 342 or the South African National Standard, Automotive biodiesel fuel, SANS 1935, as appropriate;
- (d) appoint suitably qualified experts to test petroleum products;
- (e) demand of any person who owns, offers for sale, sells or supplies petroleum products governed by these Regulations, any relevant documentation in respect of such petroleum products and such person must, if so instructed, provide the inspector with such documentation; and
- (f) demand of any person who imports petroleum products governed by these Regulations, any relevant documentation associated with the importation and such person must, if so instructed, provide the inspector with such documentation.

8. Labelling specification for petroleum products

- (1) A label setting out the fuel specifications of the petroleum product concerned must be displayed on a bowser at a site.
- (2) A label contemplated in subregulation (1) must -
 - (a) have lettering and numbering in a standard and solid font type Arial of a size not smaller than size 55 point reading from left to right, when horizontal, regardless of the orientation of the label; and
 - (b) be alongside the nozzle and on the same side of the bowser as the information indicating the price of the petroleum product displayed on that bowser.
- (3) The petrol or diesel grade dispensed from a bowser must be the petrol or diesel grade specified in the label displayed on that bowser.
- (4) The label on the bowser dispensing-
 - (a) metal-free unleaded petrol grade must be labelled with white lettering and numbering on a green background and must, as appropriate for the grade of petrol dispensed from that bowser, only contain the words and numbers-
 - (i) "95 Metal-free" for petrol grade RON 95;
 - (ii) "93 Metal-free" for petrol grade RON 93; or

- (ii) "91 Metal-free" for petrol grade RON 91,

as the case may be;

- (b) metal-containing unleaded petrol grade must be labelled with white lettering and numbering on a red background, and must, as appropriate for the grade of petrol dispensed from that bowser and subject to subregulation (6), only contain the words and numbers-

- (i) "95 Metal-containing," for petrol grade RON 95;

- (ii) "93 Metal-containing" for petrol grade RON 93; or

- (iii) "91 Metal-containing" for petrol grade RON 91,

as the case maybe; and

- (c) diesel must be labelled with white lettering and numbering on a black background, and must, as appropriate for the grade of diesel dispensed from that bowser and subject to subregulation (5), contain only the words-

- (i) "Standard diesel 500ppm" for standard grade diesel;

- (ii) "Low-Sulphur diesel 50ppm" for low sulphur grade diesel; or

- (iii) "Biodiesel B100" for 100% biodiesel,

as the case may be.

- (5) Diesel blended with more than 5% but less than 100% biodiesel must be labelled[sic] with white lettering and numbering on a black background and, as appropriate for the grade of diesel dispensed from that bowser, must contain the additional words and numbers "BX", where "X" will be 10, 20, 30, 40 or 50, as the case may be.

(Regulation 8(5) substituted by regulation 6(b) of Government Notice R582 in Government Gazette 40929 dated 23 June 2017, with effect from 23 June 2017.)

- (6) In the case of metal-containing unleaded petrol sold as a replacement for leaded petrol, additional words "LRP" or "with an AVSR additive" must be added after the numbers and words contemplated in subregulation (4)(b).

9. Records

- (1) A licensee must keep records of purchase and sale transactions of petroleum products including-

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- (a) grades of petroleum product purchased or sold, as the case may be;
- (b) quantities of petroleum product purchased or sold, as the case may be;
- (c) 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;
- (e) results of any tests performed on a batch of a petroleum product, including the details of that batch and the date of each test;
- (f) records by which the petroleum product tested can be traced back to its delivery docket; and
- (g) port of entry, in the case of a batch of imported petroleum product.

Publisher's Note:

Numbering as published in the Government Gazette

(2) The records referred to in subregulation (1) must be-

- (a) retained for a period of 5 years;
- (b) kept at the address registered with the Controller; and
- (c) disclosed to an inspector on request.