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GOVERNMENT NOTICE

DEPARTMENT OF ENERGY

No. R. 731

9 July 2009

PETROLEUM PRODUCTS ACT, 1977

REGULATIONS REGARDING THE USE OF PAYMENT CARDS TO PURCHASE PETROLEUM PRODUCTS AT A RETAIL SITE

The Minister of Energy has under section 2 of the Petroleum Products Act, 1977 (Act No.120 of 1977), made the Regulations in the Schedule.

SCHEDULE

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates-

“**benefit**” means-

- (a) any money, article, service or concession having a commercial value; or
- (b) anything whatsoever which, either by itself or in conjunction with any other thing or with the performance of any act, entitles or purports to entitle the recipient thereof to receive such money, article, service or concession, or to participate in any competition;

“**cash**” means South African bank notes and coins;

“**cost of cash**” means the total cost of cash sales per hundred South African Rand (R100.00) of petroleum products;

“**payment card**” means a card issued with the purpose of effecting payment for goods or services and includes debit card, credit card, cheque card, fleet card,

garage card or petrol card, whether issued under a three party or four party scheme or specifically for the purpose of enabling payment for purchase of petrol or diesel;

“**petroleum products**” means, in these Regulations, petrol and diesel;

“**statutory body**” means any board, fund, institute, company, corporation or other organisation established or constituted by or under any law, in terms of which the accounts of the board, fund, institute, company, corporation or other organisation are audited by the Auditor-General;

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

Scope of Regulations

2. These Regulations prescribe the method of payment for the purchase of petroleum products at a retail site.

Retail price maintenance

3. (1) A retailer must supply or offer to supply petroleum products at a site by way of sale for a wholly monetary consideration and at the petrol price prescribed by regulation.

(2) A retailer may not give or offer any benefit to any consumer as a condition or as a result of any sale of petroleum products contemplated in subregulation (1).

Method of payment for sale of petroleum products at a retail site

4. (1) A retailer must accept payment in the form of cash.

(2) A retailer may accept payment in the form of a payment card.

(3) A notice on the type of payment card that is acceptable to the retailer must be prominently displayed.

(4) If no type of payment card is acceptable to the retailer then a notice to that effect must be prominently displayed.

(5) Despite the acceptance of payment in the form of a payment card contemplated in sub-regulation 4(2), the Department of Energy must, for purposes of determining the retail margin, treat all transactions as cash sales.

(6) The Department of Energy must determine and publish the cost of cash and the elements thereof on its website.

Repeal of Regulations

5. The Regulations promulgated by Government Notices Nos. R. 2298 of 11 October 1985, R. 1100 of 02 June 1986 and R. 275 of 17 January 1992, are hereby repealed.

Exemptions

6. These Regulations do not apply to the State, local authorities, statutory bodies and other organisations exempted there from in writing by the Minister.

Short title

7. These Regulations are called the Regulations regarding Use of Payment Cards to Purchase Petroleum Products at a Retail Site.
