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DEPARTMENT OF THE PRIME MINISTER

No. 1324.

22 June 1979.

It is hereby notified that the Acting State President has assented to the following Act which is hereby published for general information:—

No. 74 of 1979: Second State Oil Fund Amendment Act, 1979.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1324.

22 Junie 1979.

Hierby word bekend gemaak dat die Waarnemende Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 74 van 1979: Tweede Wysigingswet op die Staatsoliefonds, 1979.

Act No. 74, 1979

SECOND STATE OIL FUND AMENDMENT ACT, 1979.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the State Oil Fund Act, 1977, so as to provide further for the imposition of a levy on certain petroleum products; to make new provision for the issue of certain guarantees by the Minister of Economic Affairs; to validate certain levies imposed retrospectively; and to repeal certain provisions; and to provide for incidental matters.

(English text signed by the Acting State President.)
(Assented to 13 June 1979.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of Act 38
of 1977.

1. Section 1 of the State Oil Fund Act, 1977 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) There shall be paid **[as a charge to the State Revenue Fund]** into the State Oil Fund, controlled by SOF (Proprietary) Limited, a company incorporated in terms of the Companies Act, 1973 (Act No. 61 of 1973)— 10
(a) as a charge to the State Revenue Fund—

- (i) an amount of 7,4 cents of the customs or excise duty on a kilogram of liquefied petroleum gas paid into the State Revenue Fund;
- [(b)]** (ii) an amount of 4 cents of the customs or excise duty 15 on a litre of petrol, aviation spirit, kerosene, distillate fuel or residual fuel oil paid into the State Revenue Fund, in respect of which no rebate or refund is applicable; and
- [(c)]** (iii) an amount of 1 cent of the customs or excise duty 20 on a litre of kerosene, distillate fuel or residual fuel oil paid into the State Revenue Fund, in respect of which a partial rebate or refund is applicable and which, after application of the rebate or refund, is not less than 1 cent; 25

(b) such moneys as may accrue to the State Oil Fund by virtue of section 11 of the Petroleum Products Act, 1977 (Act No. 120 of 1977), or any other law; and
(c) with the concurrence of the Minister of Economic Affairs and the Minister of Finance, such other moneys as may accrue to the said fund from any other source.” 30

Amendment of
section 1A of Act 38
of 1977, as inserted
by section 1 of Act
30 of 1979.

2. Section 1A of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister of Economic Affairs may in 35 consultation with the Minister of Finance by notice in

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Wet No. 74, 1979

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Staatsoliefonds, 1977, ten einde verdere voorsiening te maak vir die oplegging van 'n heffing op sekere petroleumprodukte; nuwe voorsiening te maak vir die uitreiking van sekere waarborge deur die Minister van Ekonomiese Sake; sekere heffings wat terugwerkend opgelê is, geldig te verklaar; en sekere bepalings te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 13 Junie 1979.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op die Staatsoliefonds, 1977 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 1 van Wet 38 van 1977.

„(1) Daar word **[ten laste van die Staatsinkomstefonds]** in die Staatsoliefonds, wat beheer word deur SOF (Eiendoms) Beperk, 'n maatskappy wat ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), ingelyf is, gestort—

(a) ten laste van die Staatsinkomstefonds—

(i) 'n bedrag van 7,4 sent van die doeane- of aksynsreg op 'n kilogram vervloeiende petroleumgas in die Staatsinkomstefonds gestort;

[(b)] (ii) 'n bedrag van 4 sent van die doeane- of aksynsreg op 'n liter petrol, vliegtuigspiritus, kerosen, distillaatbrandstof of residu-brandolie in die Staatsinkomstefonds gestort, ten opsigte waarvan geen korting of terugbetaling van toepassing is nie; en

[(c)] (iii) 'n bedrag van 1 sent van die doeane- of aksynsreg op 'n liter kerosen, distillaatbrandstof of residu-brandolie in die Staatsinkomstefonds gestort, ten opsigte waarvan 'n gedeeltelike korting of terugbetaling van toepassing is en wat, na toepassing van die korting of terugbetaling, nie minder as 1 sent is nie;

(b) dié gelde wat die Staatsoliefonds uit hoofde van artikel 11 van die Wet op Petroleumprodukte, 1977 (Wet No. 120 van 1977), of 'n ander wetsbepaling toeval; en

(c) met die instemming van die Minister van Ekonomiese Sake en die Minister van Finansies, dié ander geld wat bedoelde fonds uit 'n ander bron toeval.”

2. Artikel 1A van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 1A van Wet 38 van 1977, soos ingevoeg deur artikel 1 van Wet 30 van 1979.

„(1) Die Minister van Ekonomiese Sake kan in oorleg met die Minister van Finansies ten bate van die

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the *Gazette* or by notice in writing served on any person, whether personally or by post, impose a levy for the benefit of the Equalization Fund, controlled by the SFF Association, a company incorporated in terms of the Companies Act, 1973 (Act No. 61 of 1973), on every 5 litre of petrol, aviation spirit, kerosene, distillate fuel, residual fuel oil, naphtha, base oil, products of base oil or every kilogram of grease or liquefied petroleum gas which is manufactured, distributed or sold by an undertaking at any point in the Republic, or imported by 10 any person into the Republic.”;

- (b) by the substitution for the proviso to subsection (3) of the following proviso:

“Provided that any such notice shall not contain any exemption from the payment of a levy, except to such 15 extent and on such conditions as the Minister may determine in respect of—

- (a) petroleum products manufactured from raw material produced in the Republic;
- (b) petroleum products manufactured on behalf of a 20 person for use outside the Republic against delivery by such person of a quantity of raw material produced outside the Republic which is required for the manufacture of such petroleum products or an equivalent quantity thereof;
- (c) petroleum products on which customs or excise 25 duty is payable.”;

- (c) by the insertion after subsection (3) of the following subsection:

“(3A) There shall be paid into the Equalization Fund, 30 in addition to the moneys raised by means of a levy—

- (a) such moneys as may accrue to such fund by virtue of section 11 of the Petroleum Products Act, 1977 (Act No. 120 of 1977), or any other law; and
- (b) with the concurrence of the Minister of Economic 35 Affairs and the Minister of Finance, such other moneys as may accrue to such fund from any other source.”; and

- (d) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words: 40

“(4) The moneys **raised by means of a levy** paid into the Equalization Fund—”.

Insertion of section 1D in Act 38 of 1977.

3. The following section is hereby inserted in the principal Act after section 1C:

“Guarantees by 1D. The Minister of Economic Affairs may, on the 45 Minister of Economic Affairs in conditions determined by him, and with the concurrence of the Minister of Finance, guarantee the repayment of the capital of, the payment of interest on and the payment of any costs incurred in connection with any loan, including export credit, granted by any 50 person outside the Republic to the South African Coal, Oil and Gas Corporation Limited, Sasol (Transvaal) Limited, SOF (Proprietary) Limited, or Sasol (Overvaal) Limited.”.

Validation of certain levies imposed retrospectively.

4. The notices whereby levies on certain petroleum products are 55 purported to have been imposed retrospectively in terms of section 1A of the principal Act with effect from a date before the publication of the State Oil Fund Amendment Act, 1979 (Act No. 30 of 1979), are hereby validated; and the provisions of the notices shall be enforceable with effect from the said date. 60

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5 Egalisasiefonds wat beheer word deur die „SFF Association”, ’n maatskappy wat ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), ingelyf is, by kennisgewing in die *Staatskoerant* of by skriftelike kennisgewing beteken aan iemand, hetsy persoonlik of deur die pos, ’n heffing oplê op elke liter petrol, vliegtuigspiritus, kerosen, distillaatbrandstof, residu-brandolie, nafta, basisolie, produkte van basisolie of elke kilogram ghries of vervloeiende petroleumgas wat deur ’n onderneming by enige punt in die Republiek vervaardig, gedistribueer of verkoop word, of deur enigiemand in die Republiek ingevoer word.”;

10 (b) deur die voorbehoudsbepaling by subartikel (3) deur die volgende voorbehoudsbepaling te vervang:

15 „Met dien verstande dat enige sodanige kennisgewing geen vrystelling van die betaling van ’n heffing mag bevat nie, behalwe in die mate en op die voorwaardes wat die Minister bepaal ten opsigte van—

20 (a) petroleumprodukte vervaardig van grondstof in die Republiek geproduseer;

(b) petroleumprodukte ten behoeve van iemand vir gebruik buite die Republiek vervaardig teen lewering deur so iemand van ’n hoeveelheid grondstof buite die Republiek geproduseer wat vir die vervaardiging van daardie petroleumprodukte of ’n ekwivalente hoeveelheid daarvan nodig is;

25 (c) petroleumprodukte waarop doeane- of aksynsreg betaalbaar is.”;

(c) deur na subartikel (3) die volgende subartikel in te voeg:

30 „(3A) Daar word, benewens die gelde deur middel van ’n heffing gein, in die Egalisasiefonds gestort—

(a) dié gelde wat daardie fonds uit hoofde van artikel 11 van die Wet op Petroleumprodukte, 1977 (Wet No. 120 van 1977), of ’n ander wetsbepaling toeval; en

35 (b) met die instemming van die Minister van Ekonomiese Sake en die Minister van Finansies, dié ander gelde wat daardie fonds uit ’n ander bron toeval.”; en

40 (d) deur in subartikel (4) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(4) Die gelde **[deur middel van ’n heffing gein]** in die Egalisasiefonds gestort—”.

3. Die volgende artikel word hierby in die Hoofwet na artikel 14 1C ingevoeg:

Invoeging van artikel 1D in Wet 38 van 1977.

„Waarborg deur Minister van Ekonomiese Sake ten opsigte van lenings en uitvoerkrediet in die buiteland aan sekere ondernemings toegestaan.

50 **1D. Die Minister van Ekonomiese Sake kan, op die voorwaardes wat hy bepaal en met die instemming van die Minister van Finansies, die terugbetaling van die hoofsom van, die betaling van rente op en die betaling van die koste aangegaan in verband met ’n lening, met inbegrip van uitvoerkrediet, wat deur iemand buite die Republiek toegestaan is aan die Suid-Afrikaanse Steenkool-, Olie- en Gaskorporasie Beperk, Sasol (Transvaal) Beperk, SOF (Eiendoms) Beperk of Sasol (Overvaal) Beperk, waarborg.”.**

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4. Die kennisgewings waardeur heffings op sekere petroleumprodukte ingevolge artikel 1A van die Hoofwet terugwerkend opgelê heet te wees met ingang van ’n datum voor die bekendmaking van die Wysigingswet op die Staatsoliefonds, 1979 (Wet No. 30 van 1979), word hierby geldig verklaar, en die bepaling van die kennisgewings is afdwingbaar met ingang van bedoelde datum.

Geldigverklaring van sekere heffings terugwerkend opgelê.

Act No. 74, 1979**SECOND STATE OIL FUND AMENDMENT ACT, 1979.**

Repeal of certain
laws, and saving.

5. (1) Subject to the provisions of subsection (2), section 55 of the Finance and Financial Adjustments Acts Consolidation Act, 1977 (Act No. 11 of 1977), and section 3 of the State Oil Fund Amendment Act, 1979 (Act No. 30 of 1979), are hereby repealed.

(2) Anything done under a provision repealed by subsection (1) 5
and which could be done under any provision of the principal Act,
shall be deemed to have been done under the last-mentioned
provision.

Short title.

6. This Act shall be called the Second State Oil Fund 10
Amendment Act, 1979.

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5. (1) Behoudens die bepalinge van subartikel (2) word artikel 55 van die Konsolidasiewet op Finansiële en Finansiële Reëlingswette, 1977 (Wet No. 11 van 1977), en artikel 3 van die Wysigingswet op die Staatsoliefonds, 1979 (Wet No. 30 van 1979), hierby herroep.

Herroeping van sekere wetsbepalinge, en voorbehoud.

(2) Enigiets wat gedoen is kragtens 'n bepaling by subartikel (1) herroep en wat kragtens 'n bepaling van die Hoofwet gedoen sou kon word, word geag kragtens laasgenoemde bepaling gedoen te wees.

10 6. Hierdie Wet heet die Tweede Wysigingswet op die Kort titel. Staatsoliefonds, 1979.

