



GOVERNMENT GAZETTE
OF THE
REPUBLIC OF NAMIBIA

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No. 979

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Government Notice

OFFICE OF THE PRIME MINISTER

No. 223

1994

**PROMULGATION OF ACT
OF PARLIAMENT**

The following Act which has been passed by the Parliament and signed by the President in terms of the Namibian Constitution is hereby published in terms of Article 56 of that Constitution.

No. 29 of 1994: Petroleum Products and Energy Amendment Act, 1994.

Act No. 29, 1994

**PETROLEUM PRODUCTS AND ENERGY
AMENDMENT ACT, 1994**

EXPLANATORY NOTE:

- _____ Words underlined with solid line indicate insertions in existing enactments.
- [] Words in bold type in square brackets indicate omissions from existing enactments.

ACT

To amend the Petroleum Products and Energy Act, 1990 so as to further regulate the powers of the Minister, and persons authorized by him or her, with regard to petroleum products; to require that retailers display the price of the petroleum products they sell; to alter the constitution of the council; to change the designation National Oil Company of Namibia to National Petroleum Corporation of Namibia (Pty) Ltd.; and to provide for incidental matters.

(Signed by the President on 16 November 1994)

BE IT ENACTED by the Parliament of the Republic of Namibia, as follows:-

Amendment of section 2
of Act 13 of 1990.

1. Section 2 of the Petroleum Products and Energy Act, 1990 (in this Act referred to as the principal Act) is hereby amended:

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

“(c) prescribe the price, or a maximum or minimum price, or a maximum and minimum price, at which petroleum products may be sold or determine that such products may be sold without any restriction being applicable in relation to the selling price thereof.” and

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(b) by the addition of the following subsection:

“(3) Any person who, as a retailer in petroleum products, sells or offers for sale any such product shall display, on the pump or other apparatus by means of which such product is sold, or in a conspicuous place at such person’s place of business, the price at which that product is being sold.”

Amendment of section 14
of Act 13 of 1990.

2. Section 14 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Council shall consist of -

- (a) the Minister, or any person nominated by the Minister, who shall be the chairperson of the council;
- (b) one officer nominated by the Minister responsible for energy affairs;
- (c) one officer nominated by the Minister responsible for finance;
- (d) one officer nominated by the Minister responsible for agricultural and water affairs;
- (e) one officer nominated by the Minister responsible for transport;
- (f) one officer nominated by the Minister responsible for trade and industry;
- (g) one officer nominated by the Minister responsible for fisheries and marine resources;
- (h) so many other persons as the President may appoint as members of the council, but who shall include -
 - (i) one person nominated by the National Planning Commission;
 - (ii) one person nominated by the National Petroleum Corporation of Namibia (Pty) Ltd.

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referred to in section 1 of the Petroleum (Exploration and Production) Act, 1991 (Act 2 of 1991);

(iii) one person nominated by the national electricity utility company;

(iv) one person nominated by Transnamib Limited established by section 2 of the National Transport Corporation Act, 1987 (Act 21 of 1987); and

(i) if the President thinks it fit, one person nominated by the suppliers of petroleum products in Namibia.”

Amendment of section 15
of Act 13 of 1990.

3. Section 15 of the principal Act is hereby amended -

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

“(1) A member of the council appointed under section [14(1)(g) or (h)] 14(1)(h) or (i) shall hold office for such period not exceeding three years as the President may determine at the time of his or her appointment.”; and

(b) by the substitution for subsection (4) of the following subsection:

“(4) If a member referred to in subsection (1) for any reason ceases to hold office, the President may, with due regard to the provisions of section [14(1)(g) or (h)] 14(1)(h) or (i) appoint a person in his or her place for the unexpired period of such member’s term of office.”.

Amendment of section 21
of Act 13 of 1990.

4. Section 21 of the principal Act is hereby amended by the addition of the following paragraph to subsection (2):

“(c) fails to comply with the provisions of section 2(3).”.

Short title.

5. This Act shall be called the Petroleum Products and Energy Amendment Act, 1994.