



GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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Government Notice

MINISTRY OF MINES AND ENERGY

No. 270

2021

AMENDMENT OF PETROLEUM PRODUCTS REGULATIONS: PETROLEUM PRODUCTS AND ENERGY ACT, 1990

Under sections 2 and 2A of the Petroleum Products and Energy Act, 1990 (Act No. 13 of 1990), I have amended the Petroleum Products Regulations as set out in the Schedule.

T. ALWEENDO
MINISTER OF MINES AND ENERGY

Windhoek, 22 November 2021

SCHEDULE

Definitions

1. In these regulations, the Regulations means the Petroleum Products Regulations published in Government Notice No. 155 of 23 June 2000 as amended by Government Notice No. 202 of 29 November 2002 and Government Notice No. 122 of 14 June 2016.

Insertion of regulation 3A in Regulations

2. The Regulations are amended by the insertion after regulation 3 of the following regulation:

“Prohibition on purchase, acquisition, sale, supply, disposal, transportation, possession, use or storage of fuel from unlicensed persons

- 3A.** (1) No person shall -
- (a) purchase or acquire fuel from an unlicensed person;
 - (b) sell, supply, dispose of or transport fuel obtained from an unlicensed person; or
 - (c) possess, use or store fuel obtained from an unlicensed person, unless such fuel was lawfully obtained in a foreign country and lawfully imported into Namibia and is for personal use by the importer of the fuel.
- (2) If an inspector or member of the Namibian Police has a reasonable suspicion that the fuel purchased, acquired, sold, supplied, disposed of, transported, stored or possessed by a person was acquired or obtained from an unlicensed person, the inspector or member of the Namibian Police may -
- (a) request the person who is found in possession of such fuel, to provide to the inspector or member of the Namibian Police proof that the fuel was acquired or obtained from a licensed person; and
 - (b) impound such fuel to be held in safe storage until such time that the proof referred to in paragraph (a) is presented to him or her or until a competent court orders the forfeiture of such fuel to the State or that it be released to its owner.
- (3) Any person who fails to comply with the provisions of subregulation (1) shall be guilty of an offense.”.

Amendment of regulation 8 of Regulations

3. Regulation 8 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

“(2) No retail licence-holder may sell fuel at any price other than the price determined under the Act.”.

Amendment of regulation 36 of Regulations

4. Regulation 36 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

- “(1) No retail licence-holder may -
- (a) supply or offer to supply fuel at a retail outlet other than by way of sale at the price determined under the Act; or
 - (b) as a condition of or as a result of any sale of fuel at a retail outlet give or offer any benefit to any consumer.”.
