

Statutory Instrument No. 100 of 1973

ESSENTIAL SUPPLIES AND SERVICES ACT, 1973
(22 of 1973)

ESSENTIAL SUPPLIES (PETROL) REGULATIONS, 1973
(Published on the 23rd November, 1973)

WHEREAS His Excellency the President is of the opinion that supplies of petrol are essential to the life and well-being of the community

AND WHEREAS it appears to His Excellency the President that supplies of petrol are in jeopardy

NOW THEREFORE in exercise of the powers conferred by section 3 of the Essential Supplies and Services Act, 1973, His Excellency the President hereby makes the following Regulations –

1. These Regulations may be cited as the Essential Supplies (Petrol) Regulations, 1973, and shall come into operation on publication in the Gazette: Citation and commencement

Provided that regulation 4 shall come into operation on the 1st December, 1973.

2. In these Regulations, unless the context otherwise requires – Interpretation
“Fuel Controller” means the person nominated as such by the Minister for the time being responsible for commerce and industry and includes any person authorized by the Fuel Controller, in writing, for the purposes of these Regulations;

“permit” means a permit issued by the Fuel Controller in terms of which authority is granted to any specified person to receive, have in his possession and hold petrol not exceeding such quantity as may be specified therein;

“re-seller” means a person who operates a shop or other premises in respect of which a petrol filling station licence has been issued under the Trading Act, 1966; 6 of 1966

“petrol” includes any mixture of petrol with any other substance capable of being used as a fuel in internal combustion engines;

“wholesale distributor” means any of the following companies –

- Shell Botswana (Pty.) Limited;
- Shell and B.P. Services Company (Pty.) Limited;
- Caltex Oil (Botswana) (Pty.) Limited;
- Mobil Oil (Southern Africa) (Pty.) Limited;
- B.P. Botswana (Pty.) Limited;
- Trek Botswana (Pty.) Limited;
- Total S.A. (Pty.) Limited.

3. (1) No re-seller of petrol with premises situate within the areas specified in the Schedule hereto shall sell or in any other way whatsoever dispose of petrol from supplies in his possession or under his control other than between the hours of 6 a.m. on Mondays and 6 p.m. on Saturdays. Restriction on hours

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

Restriction
of sales
and
possession
of petrol

4. (1) No re-seller of petrol shall supply or permit to be supplied to any person any petrol other than direct into the tank of a motor vehicle unless such person has in his possession and presents to the re-seller at the time of the receipt of such petrol a valid permit:

Provided that this provision shall not apply to the supply of petrol not in excess of 25 litres into other containers.

(2) Except under and in accordance with the provisions of a permit, no person shall have in his possession or under his control any petrol unless that person owns a petrol-powered motor vehicle, stationary engine, motor mower, or other appliance similarly powered.

(3) Except under and in accordance with the provisions of a permit, no person owning a petrol-powered motor vehicle, stationary engine, motor mower, or other appliance similarly powered, shall have in his possession or under his control a quantity of petrol in excess of 25 litres in containers other than in the tank of a motor vehicle.

(4) Subregulations (2) and (3) shall not apply to a re-seller of petrol or a wholesale distributor.

(5) For the avoidance of doubt, it is expressly declared that the possession of a permit does not absolve the person to whom it is issued from compliance with the requirements of any written law relating to the handling and storage of petrol on any premises.

(6) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

Speed limit
S.I. 5 of 1971

5. (1) Without prejudice to the provisions of the Motor Vehicle and Road Traffic (Imposition of Speed Limits) Regulations, 1971, imposing a lower speed in circumstances specified therein, no person shall drive or permit to be driven any motor vehicle upon any public road at a speed exceeding 80 kilometres per hour.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

Use of petrol
for racing or
rallying

6. (1) No person shall use or permit to be used any petrol for racing or rallying with motor cars, motor cycles, motor boats, or for the purpose of water skiing.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

Restrictions
on flying

7. (1) Except under and in accordance with the provisions of a permit, no person shall use or permit to be used any aircraft for the purposes of tuition or practice except on Saturdays and Sundays.

(2) Except in the case of an emergency or under and in accordance with the provisions of a permit, no person shall use or permit to be used any aircraft between last light and first light.

(3) Except in the case of an emergency, no person shall use or permit to be used any landing lights on any airfield.

(4) Except under and in accordance with the provisions of a permit, no person shall use or permit to be used for the purpose of charter flying any aircraft on any Saturday or Sunday.

(5) Except with the permission of the Fuel Controller, no person shall make any alteration or addition to scheduled flying services taking off and landing in Botswana.

(6) No person shall deliver or permit to be delivered any aviation fuel to any aircraft except directly into the fuel tanks of such aircraft.

(7) For the purposes of this regulation "aviation fuel" means fuel used in aircraft.

(8) Any person who contravenes any of the provisions of this regulation shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year.

8. Applications for permits shall be made to the Fuel Controller, c/o Ministry of Commerce and Industry, Private Bag 4, Gaborone, or to such other persons as he may from time to time specify. Applications for permits

9. Any person who makes or causes to be made any false declaration in connexion with any application in respect of or for the purpose of obtaining a permit shall be guilty of an offence and liable to a fine of R2 000 and to imprisonment for one year. False declarations

SCHEDULE (reg. 3)

Those areas within 16 kilometres of the Post Offices in Francistown, Gaborone, Lobatse and Selebi-Pikwe respectively.

MADE this 23rd day of November, 1973.

P.L. STEENKAMP,
Acting Permanent Secretary,
Office of the President.

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